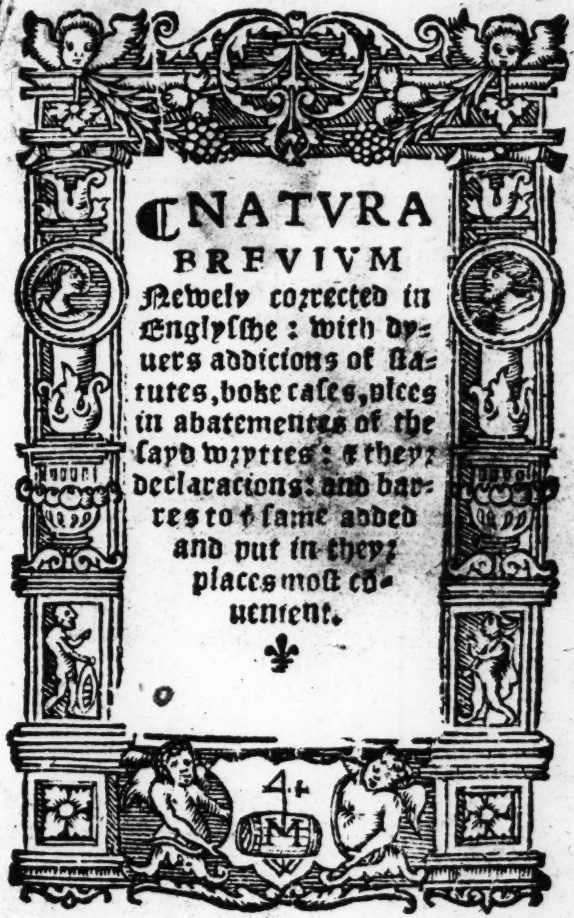
NATVRA BREVIVM

Newely corrected in Englyshe: with dyuers addicions of statutes, boke cases, pleas in abatementes of the sayd wrytes: & theyr declaracions: and barres to the same added and put in theyr places most conuenient.



Rec. July 8, 1901.

IT is sayd, that there is a writ of ryght patent, and a writ of right close. A writte of ryght patent shalbe firste brought in the courte of the Lorde, of whom the lande is holden (yf it be holden of any other thā of the kyng) And if it be holdē of ỹ king than it shalbe brought in ỹ courte of ỹ kynge. And know ye that this writ may be remoued out of the courte of the lorde in to ỹ coūte by a Tolte & out of ỹ coūte to the comon bāke by a Pone (if the demaūdaunt that will) And for that thys clause is put in the writte of ryght patent. Et nisi feceris vicecomes talis comitatus faciat &c. For the writte shalbe all tymes in the custody of the demaundaunt, for that, that if the lorde and the shyryf wyll not to him do right, he may remoue the plee in to the comon banke, as is aforesayd, not puttinge cause in ỹ Pone. But in case that it be remoued out of the counte into the comon banke by a Pone at the suyte of the tenaūce, it behoueth to put the cause in the Pone. As it appereth playnly in ỹ Regiſtre. And also the sayd plee may be remoued out of the courte of the lord immediatly to ỹ comon banke by a recordare with cause, at the

A writ of ryght.

sayde of the tenaunt. And knowe ye, that this writte hath but two issues, and ꝑ is to say, ioynynge the myse vpon ꝑ mere And that is to put him selfe in the great Assyse of our soueraygne lorde the kynge or to ioine batayle, and that shalbe in the election of the tenaunt. And for that it behoueth that the demaundaunt haue all tymes his champion redy, or els he may be disceyued. And when batayle shal be ioyned, and when great assyse. Loke in ꝑ treatyse of the great assise to be chosen amonge other statutes. And it is sayde, ꝑ a dede of the auncestre with a warrantie is a barre, yf the demaundaunt bringe this writte of his owne possession, and not of the possession of his auncestre, for that, ꝑ he may not ioyne the issue as before is sayde. And the iudgement of this writ is fynall. And knowe ye that it is no ple in this writte to saye that the tenant before this tyme recouered agaynst the demaũdant by action tried in any other writte then in a writ of ryght.

¶ Addicion.

T.xi.E.iii. ☞ Know ye, that if the ple be remoued by a Bone out of the counte into the common banke, it is not necessary ꝑ the shyryfe retourne the Bolte by which ꝑ plee is remoued out of the courte of the lorde into the counte. For that, that the plee is come

come into the bāke by a warrāte whiche came to the shyrysse fro thens, whiche is moze hyer then the Dolte is.

¶ Knowe ye, that a recouere in a Cessauit agaynst the demaundantes selfe, is a good barre in a wrytte of ryght. And that is by reason of the statut of Gloē capi. 3. w.xxxi.E.i.

☞ But knowe ye that a recouere in Assyse agaynst hym selfe is no barre. w.viii.E.ii.

☞ And knowe ye, þ these persons shall ioyne the mysse in a wrytte of ryght. An infaunt shall ioyne the mysse & trye it by batayle. And the tenant for terme of life shal ioyne in this forme, that is to saye that he hath better ryght to holde for terme of his lyfe the reuercion to one suche w.ix.

☞ The husband and the wife shal ioine the issue as in the ryght of the wife, & the iugemēt shalbe þ the husband and þ wife & the heyres of þ wyfe shall holde quyte of the demaundauntes & of his heyres. w.xli.E.ii

☞ A Prebendaryer shall be ioyne the mysse by his attourney. T.xiii.E.iii

¶ The husbande & the wyfe were receyued for defaut of the tenant for terme of lyfe and they ioyned the mysse in suche fourme that is to say that the tenant for terme of lyfe hathe better ryght to holde in the ryght of the husbande by a graūte made by þ husband and his wyfe by fine (sauyng the reuercion to them) than the p.xxxi.E.ii

W.xvii.E.iij demaundaunt hath, &c.

¶ And yf a writ of ryght be brought a-
gaīſt foure, euery one of thē ioyne ꝓ miſe
V.viii.E, ii. ☞ And if a perſon ioyne the myſe with
out prayenge in ayde of the patron & the
ordinary, and after make defaut wherby
the demaundaunte do recouer, his ſuc-
ceſſour ſhal haue for that defaut, onc Ju
ris vtrum, &c.

¶ And knowe ye, that the parties after
the baytayle ioyned ſhal fynde ſuerte for
theyr champions, that is to ſay pledges
for euery one of thē but fyrſt the tenant
ſhal fynde ſuerte, but theſe champions
ſhal not be demaunded vpon theyr ſuer-
tes founde, as if they were ſet to mayn-
prize, therfore enquyre the dyuerſyte.
Quare.
A.i. V.vi. ¶ And knowe ye, ꝓ it is a good chalenge
to ſay ꝓ the champion is a byllayne.
V.xxix.E.iij ☞ And knowe ye, that theſe champiōs
ſhalbe apparelled with whyte lether, & a
cote of red Sendale painted vꝑ the armes
of his maſter, if he haue arms, & a knight
ſhall beare his ſtaffe, & a cuſtrell his tar
get, whiche ſhalbe of the colloure of his
cote. And if the champion be at the barre
his targete ſhalbe rered to the backe of ꝓ
champion, ſo that the chiefe parte of the
targete paſſe the hyeſt of his heade, and it
ſhalbe holden to the backe of the champion
as longe as he ſtandeth at the barre and

the

then the iustices shal charge the partyes principally to suffer the harnes of theyr champyons to be safely kepte in a place. And these Iustices shal loke that ther be no maner of fraude, nor disceit entended. And if defaut be founde in the harnes, as rolles of prayers, or layntes, or other thynges lyke, it shalbe amended. And if targetes shalbe of one length & breadth. And also theyr staues shalbe of one lẽgth that is to say fyue quarters, & these two shalbe put out of theyr harnes.

☞ The wryt is suche.

HEnricus octauus dei gracia. Anglie Francie et hibernie Rex, fidei defẽsor et in terra Anglicane Ecclesie et hibernie supremum caput balliuis suis de A. salutem precipimus vobis: q sine dilacione plenum rectum teneatis. J. de. B. vno messuagio cum pertiñ in D q clamat tenere de nobis per liberum seruiciũ vnius denarii per annum pro omni seruicio: quod W R. ei deforciat. Et nisi feceritis vic. Suth fac. Ne amplius inde clam audiamus pro defectu recti, teste me ipso apud west. ꝛc

¶ A wryte of ryght in London is suche.

REx. ꝛc. Maiori et vic. London salutem. Precipimus vobis, quod sine dilacione plenum rectum teneatis A. de vna shopia cũ pertiñ in London, quam clamat tenere de nobis per liberum seruicium vnius denarii per annũ quã W. C. ei deforceat. Ne amplius inde clamor audiamus pro defectu recti, teste. ꝛc.

A Wryt of Ryght in London (which is dyrected to the mayre and to the shyrysse of the same cyte) shalbe open and not close, for that, ꝑ it is aswell directed to the Mayre as to the shyrisses And for that, ꝑ there shall not be sayde. Et nisi fecerit is becomes Suth fac̃ for the plee shal not be remoued from thens. But in case ꝑ the tenant bouche a forreine to warrantie in the sayd cyte. Then the sayd Mayre & ꝑ shyrysses shall adiourne these parties before the Justices of ꝑ comon banke at a certayne daye. And shal sende the recorde (which is before them) to ꝑ sayd Justices. And when they haue determyned the warrantie, they shall resende the sayd recorde by a wryt of iugement, and commaunde the sayd Mayre and shyrysses that they shal procede to ꝑ ple in the said cite. For the Justices hath no power to procede after the warranty determined. And the Mayre & shyrysses hath no power to make pces agaynst the forme which is bouched. As it appeareth by the statut of Glouc̃ Capi. xii. which begynneth (Puruewe est ensemente que si home soit enpled, &c.) And know ye that wher the kyng hath graunted fraunchises to the cyte of London, or to any other towne that they shal not be empleded of landes or tenementes within theyr fraū

chyses

chyses, ne of any other thynge out of the same fraunchyse, they maye haue a byll whyche is called Freschefoyce in the nature of assyse of nouel disseasen. Moyed. or intrusion. But it behoueth that it be brought within. xl. dayes after tytle growen, and if not: thē it behoueth that the sayde Cytesyns haue other wrytte out of the Chauncery into the hustynges of London & if a foreyne bynge assyse or other wrytte of tenementes in London, or in other towne franchysed retournable before the Justices, Then the baylyfe of the fraunchyse may come and demaunde knowledge of the ple by a wrytte of the kynge, and they shal giue a certeyne day in the fraunchyse and then are they of ꝑ fraūchises as Justices of the kyng. But all maner of ples personalles, as Dette Trespas, or couenauntes may be pleded in theyr fraunchyses by pleynt without bryngynge any wrytte at the comon lawe there they may demaunde theyr knowlege and franchyse: vt supra. But know ye, that if the fraūchise be not demaūded in tyme, that is to say, yf proces be sued vnto the exigent, the fraunchise shal not be allowed. For that, that in such case ꝑ fraunchyse may not make ryght accordynge to the proces awarded in ꝑ courte of the kynge. And also in a Quare impe-

dit thoughe the fraunchyse be challenged it is not alowable. For that that the execution of that, may not be awarded in ꝑ fraunchyse. And also in a ple of lande, if the tenant make defaute, then the Steward, or the baylyffes of the fraunchis at the grande cape retournable shall not haue knowlege for that, that he may not gyue iugemēt vpon the defaute recorded in the court of the kynge. As appeareth. Hillarii. 40. E. 3 in the begynnynge.

¶ It is to be knowen, that euery wryte whiche toucheth free holde in London ought to be directed to the mayre and shiryffes of London. But all other wryttes which are at the comon law in the same cytie, ought to be directed to the shiriffes onely.

A wryte of ryght of dower is suche,

¶ A wryt of ryght of dower.

REX A. salutem ꝓcipimus tibi: qꝫ plenum rect teneas D. que fuit vxor. C. detercia ꝑte vnius messuagii cū pertinenciis in L. quā clamat tenere de te. s. de domino in dotem per liberum seruicium tercie partis vnius denarii per annum ꝓ omni seruicio quod ꝑ et defor ceat. Et nisi. ꝛc. ne amplius. ꝛc. teste. ꝛc.

This wryt of ryght of Dower lyeth where a woman hath receyued parte of her dower, and she wyl demaūdethe remenāt agaynst the same tenāt in the same towne she shal be compelled

led to the forclayd writ & the layd writ shalbe directed to the heyre or his gardeyn (yf he be in warde) But if the heire be in so greate powertie that he hath no court, then it shalbe directed to the cheyfe lorde for defaute of the heyre. And this writte is remouable (yf the Lorde will not doo right to the partye) as afore is sayde in a writte of right Patent. And where a woman is endowed and after is disseased, & the disseasor continueth long his possession, and after the woman putteth hym out, and the disseasour doth recouer by assyse the woman hath no recouere, but by a writte of right of dower. as it is sayde. And knowe ye also, that if the woman hath recouered parte of her dower, and part fro her be deforced, or yf she recouer al her dower saue a certayne parcell thereto belongynge, in these two cases the woman shalbe compelled to demaunde it, by a writ of right of dower. And knowe ye, ỹ euery maner of Baylewyke, or office, in whiche the husbande of the wyfe hath fee, which Baylewyke or office the wyfe her selfe (or any other) in her name maye sufficiently kepe, in al suche offices, or Baylewyke, she shal haue dower. But yf it be the office of the Stewardshyppe, or Marshalshyp of Englande, whiche two offyces she can not (by her selfe nor by deputye) take vppon

therfore she shal not be endowed of them

¶ Knowe ye, that a woman shall haue a writte of right of Dower of the halfe after the blage ℞ costome (as in kēt) and other such places called Gauelkind. But yf the woman commytte fornication, or take a husband, she is barred of al her dower. As it appeareth by the statute of Prerogatiua regis in the ende Capi. rbii But yf she wyl lyue without a husband she shalbe endower of ꝑ halfe of al ꝑ lāde

¶ Addition.

h.ii.E, ii. Knowe ye that a woman shall not haue dower of Estouers, that is to saye Bulbote, and Heybote, belongyng to the freholde of her husbande, For ꝑ, that yf her husbande had ben dekorted of the profyte, or his heyre of two partes, none of thē shulde haue a Perē qd reddat. For if the wyfe shuld haue a Precipe q reddat the heyre shulde haue it also, so that euery of them shal haue asmuch as the husbande had, And for that suche profytes may not be pted, as charcoles in ꝑ woodes of another. Ne foster in fee, ne chamberlayne. And if suche profit discende to fyue parceners, euery one shall not haue such profyt, but one parcener shal haue ꝑ hole profyte, and these other shall haue a lowance. And so the wife shalbe allowed for her dower.

¶ A wrytte of dower.
wherof she hath nothynge.

A wrytte of ryght of dower wherof she hath nothyng is suche.

Rex vic̄ vicō salutē̄ p̄cipe A q̄ iuste. ꝛc. reddat E. q̄ fuit vxor C. rationabilem dotē̄ suā: q̄ eā contingit delibero tenemento, quod fuit predicte C. quondā viri sui in N. vnde nihil habet vt dic. Et vnde q̄ritur q̄ p̄dictus A. ei deforceat nisi. ꝛc.

THys wrȳt of Dower, vnde nihil habet lyeth in many maners, that is to say, yf a man mary a woman generally speakynge nothynge of dower than after the deth of her husbande, the wyfe may recouer the thyrde parte of all such landes or tenementes whych were to the husbāde (duryng the maryage betwixt thē) by this wrȳt aforesayd.

But if she hath receyued part of her dower of one man of those landes and tenementes in one towne, yf she wyl sue for the remenaunt whiche is behynd agaīst the same tenaunt of those landes and tenementes in the same towne. Than she is put to her writ of right of Dower and not to the forsayd wrȳt. And ꝑ p̄oces is graūde Cape: and petit Cape.

p̄oces.

☞ Addition

¶ But know ye, that if a man be seysed of foure acres of lande in one towne and take a wyfe: and make a lese of one acre for terme of lyfe of the lesse, & hath yssue and dyeth seysed of these, iii. acres, & his heyre

heyre entreth: and endoweth his mother of these thre acres. & after the tenant for terme of lyfe dyeth, and the issue entreth (as in his reuercion) nowe ỳ wyfe shall haue a writ of dower vnde Nihil habet: of the acre whiche was lefte, and not a writte of ryght of dower, for that, that the heyre was not tenant of the free hold of that acre whē he endowed his mother of these other. iii. acres.

¶ Another case is, whan a man hath maried a woman, and she is endowed at the churche doore of certayne landes and tenementes in a place especiall, in this case thoughe the husband haue more or lesse whan he dyeth she shal recouer by ỳ forsayde writte all those landes and tenementes which were to her assygned at ỳ churche doore in name of her dower. But if she wyl, she may refuse this assignmēt & take her dower at the comon lāwe.

An. xl. E. iii. ¶ The thyrde case is suche, when the father graunteth to his sonne to endowe his wyfe of al suche landes & tenementes that to him ought to discend by the same father, & after that the sonne dyeth, the wyfe shal recouer the thyrde parte of all the fathers lande. But in this case some menne say that yf the wyfe haue no writynge of this endowmēt she shall recouer

and

☞ And note ye, that the wyfe shalbe endowed of landes and tenementes which her husbande had in fee symple: or fee tayle. But in some case the wyfe shalbe endowed where her husbãde was not seysed, ne neuer in possessiõ. As if my father dye seysed of certayne landes & tenementes in his demeane as of fee, and no man entreth in ꝑ lande, & I dye, my wyfe shal be endowed, and that is in fauour of dower. & yet I was not seysed of the land. Nota.

¶ And knowe ye, that in these cases folowynge, the wyfe shall not be endowed of landes or tenementes, in whiche her husbande was seysed in fee simple, or fee tayle durynge the mariage. Nota.

☞ As yf lande be gyuen to hym and to hys fyrst wyfe, & to the heyres of theyr two bodyes begotten, in this case the seconde wyfe shal not be endowed. Or if ꝑ husbãd cõmitte felony, for the which he is attaynted though after the said attein der he purchase his chartoure of pardon of all those landes wherof he was so seysed before the sayde attaynder. But of lãdes purchased by the husband after that he hath his chartour of pardon, she shal haue dower. Or in case that my ancestre holde certayne lande of ꝑ kyng in chyefe and dye seysed, yf I entre into my heritage without proces of the law, and dye

seysed

seysed before that I haue a chartoure of pardon of ꝑ kynge for my entre, my wife shall not be endowed of the lande. Lobe in Prerogatiua regis. Capi. xiiii. Or in case ꝑ tenementes be recouered agaynst the husband by action tried. Or by accyon agaynst her husband ryghtfully without dyscept or collusion pleded and iugement of the court. Or yf perpetuall de uorse be had betwyxte the husbande and his wyfe. Except it be because of chastite Or if she go away frō her owne husband with another man and not reconsiled by her husbande of her good wyll without coercion of holy churche. Or yf her husbande be byllayne. Or yf her husbande dye within age of.xii.yeres. Or yf a mā mary his nyece. Or yf her husbande lose his lande by batayle, or by greate Assyse Or yf the husbande haue but estate for terme of lyfe or for yeres.

v.vii.v. iiii ¶ Knowe ye that a woman shall not be endowed of the gooddes of her husband, for the husbande maye sell them or gyue them at his pleasure,

v.ii.E.ii. ☞ A woman shall not be endowed of Estouers: that is to saye, Boulbot, Hey bote for that, ꝑ yf the husbande had ben deforced of all, or the heyre of.ii. partes, he shulde not haue had a p̄cipe quod reddat, as is before sayde in a wryt of right

of

of dower,

¶ In these cases beforesaid and in many other mo: she shal haue no dower, ne recouere by the sayde wrytte.

¶ And knowe ye, that by the statute of Mertone. Capi. i. The wyfe shall recouer damages in the sayde wryt: for the landes of whic her husbande dyed seysed, Excepte the tenaunt come into the courte at the fyrste day, and say that he is redy to yelde to her dower.

¶ And knowe ye, that this wrytte shalbe mayntayned agaynst whome so euer be in possessyon of the landes and tenementes whiche were to her husbande after the espouselles, in what maner so euer that he is in possession. But the wyfe shal not recouer damages in these wryttes, but for landes and tenementes whereof her husbande dyed seysed.

¶ And knowe ye, that in these cases folowyng, the wyfe shalbe endowed of landes or tenementes, in which her husband was seysed in fee symple, or fee tayle durynge the mariage. Nota. E.2. H.2.

¶ Knowe ye, that a woman shalbe endowed of a byllayne in grosse, and the wryt shalbe de Libero tenemento. E.11. H.4. H.22.

¶ Knowe ye, that a woman shalbe endowed of a rent charge. E.4.

¶ In a wryt of dower, the tenaunt sayd

that her husbande was neuer sealed. And the demaundante sayde the .T. father of the husbande of the demaundant died seased, by force whereof those landes dyscended to her husbande, and he dyed before anye other estraunger entreth. And so sea sed and of such estate, &c. of this season in lawe the wyfe shalbe endowed.

¶ The graundfather, father, and the son

M.4. The grandfather holdeth of the kyng, and
H.6.et dyethe, the father beynge of full age, ha-
M.38. uynge a wife and dyeth, before that he sue
E.3. lyuerie or entre: hys heyre within age The eschetoure doth sease the son, & commytteth that warde of the body and land to a straunger, in this case the wyfe shalbe endowed, and the wrytte lyeth against the gardeyne. But yf the father had entred, and dyed before lyuere sued, the wyfe shall not be endowed. For the statutes: Nullum accrescat ei liberum tenementū, prerogatiua regis. Capitulo. 12.

¶ Rent was graunted to a man in fee, & he toke a wyfe: and before the day of pay
C.11 ment he dyed, and the wyfe broughte a
H.4. wrytte of dower, & the tenant sayde, that her husbande was not sealed durynge the espousels. In this case the demaundaunt maye maynteyne that her husbande was sealed, and shewe the specyall matter in euydence, for she shal not haue the specyal matter

matter by way of plee.

☞ Tenaunt in the generall tayle, made a feoffement in fee, and toke estate againe to him and to his wife in the speeyal taile and hath issue and the wyfe dyeth, & after he toke an other wyfe and he dyethe. The seconde wyfe shall recouer her dower, foz that, that her husbande was seased of suche estate .&c. But she shall haue the auerment that her husbande cõtynued his estate befoze of the tayle. M.41. E.3. T.34. E.3.

¶ Knowe ye, that if I enfeoffe one vpon condycyon that he shall enfeoffe another man befoze such a day, in this case though the same daye he make the feoffement, yet his wyfe shalbe endowed. T.5. E.3.

¶ If lande be recouered in value agaynst the husband bycause of a warrantie made by hys auncestre afoze the maryage, yet the wyfe after his death shalbe endowed. Foz the husbande myght haue aliened the land befoze that he was vouched, & the he shulde not haue yelded in value. And by consequence the title of the wyfe is elder. Foz the tytle of hym whiche voucheth begynneth but the day of the voucher. M.25. E.3.

¶ If the heyze after the deathe of his father entre and take a wife, and after doth endowe hys mother, his wyfe shalbe endowed of that parte wherof that his mother was endowed befoze. Foz that, ỹ he

was sealed of the same lande one tyme in fee. And if the lorde purchase the demeane and after the meane dyeth. And the wyfe recouer her dower by wrytte. she shal not pay the thyrde parte of the rente. For by the purchase the rente was extynguysshed And not withstandynge she shall recouer her dower, yet he may not auowe, for she is not tenaunte.

¶ Lorde, meane, and tenaunt are, the tenaunte holdethe of the meane by a peny, & the meane holdeth ouer by .xx ð. ỳ meane releseth to the tenaũt al the ryght that he hath in the lande, and the tenaunt dyeth: his wife shalbe endowed of the land. And she shalbe attendaunte to the heyre of the thyrde parte of the peny & not of the thyrd parte of the.xx.ð. for she shalbe endowed of the best possession of the husbande.

H.12. E.3. ¶ If I gyue lande afore the statute, or at this day to a manne in tayle to holde of me by a penye, and after his decease, hys heyre to pay to me.xx.ð. for euer, he dieth, his wyfe is endowed of the lande, she shal be attendaunte to the heyre of the thyrde parte of the.xx.pens, for it is al one rent, and of the same rent the lande is charged by condiciõ in dede, and she may not haue acquytaũce of the heyre, for that that the lande is charged by the dede of the father of whose possessyon she claymethe dower.

In

¶ Jn a wzytte of dower bzought against the Gardeyne, he alegeth that she hath taken away the enfante whiche was in his warde, and demaunde iugement of dower akoze restituciõ, and that was a good plee and if she make not restituciõ of thenfant in lyke plyte as he was when he was taken away, she shall not haue dower. M.8. E.3.

¶ Jn a wzyt of dower the case was such The father and the son are, the father is seased of thze acres of lande, the father dyeth, these thze acres descend to his son, the sonne taketh a wyfe, and endoweth hys mother of one acre in alowaũce of all her dower, this dower of olde tyme deserued, is a good plee in barre (if the wyfe of the son do bzynge a wzyt of dower of that acre against the mother) notwithstãdyng the endowment agaynste common ryght. H.6. E.3.

¶ Jn a wzytte of dower bzought against a Gardeyne, whiche saythe that the wyfe witholdeth chartours and muniments conserunge the herytage of the Jnfante that is in his warde, and yf she wolde to hym haue delyuered the chartoures, he was redy to yeld dower, and foz that, that the delyuere of the chartoures belongethe not to the Gardeyne: she shall recouer. So it is thoughe that this plee lyethe not in the mouth of any manne to pleade, but onely in the mouth of the heyze. M.10. E.3.

¶ A wrytte of Admesure-ment of dower.

A wrytt of Admesurement of dower. is sayd.

REx dilē salutē. Questus est nobis w. filius et hēs B. vel frater vel consanguineus et hēs B. q̄ A. que fuit uxor C. plus habet in dotē de libero tenemento quod fuit p̄dicī C. quondam viri sui in M. quā habere debet et ad ipsam pertinet habendū. Et ideo tibi p̄cipimus q̄ iuste et sine delacione admēsurare fac. dotē illā. Ita q̄ p̄dicta A. non habeat plus in dotem de hereditate p̄dicī w. quā habere debet et ad ipsam pertinet habendū cōm rationabilem dotem et quod p̄dicus w. habeat de dote illa id q̄ habere debet et ad ipsum pertinet habendum. Ne amplius. ꝛc.

THys wrytte of admesurement of dower: lyeth agaynste the wyfe. And by the statute of Westm. secōd cap. vii. which begynneth. Custodi de cetero. ꝛc. it is gyuen alwel for the gardeine as for the heire, but ꝑ heire may not haue this wrytte before that he be of full age. And also he may haue a wryt to remoue this wryt out of the countie into the common banke. And knowe ye: that p̄clamacion shalbe made in this wrytte of Admesurement, and other writtes, as is conteyned in the sayd statute, & therefore loke the statute. And knowe ye that the wyfe of the tenant which holdethe of the kynge in chefe, maye not enter in her dower, before that she hathe receyued her dower by assignement of the kyng. And ꝑ she mary

with

without lycence of the kinge, she shal make fine. And whē she hath her dower assyned she shal swere that she shal not mari with out lycence of the kynge. And yf she mary without licence (bt sup̄a) then the landes that she hath in dower shalbe taken in the hande of the kyng for the trespas. Vt. p̄z. in p̄rogatiua regis. Capitu. iiii. And she shal make oth (as is afozsayd) & with that accozdeth Magna carta cap bii. which beginneth. Vidua post mozt̄ mariti sui .&c.

¶ A wzytte of ryght, de Rationabili parte.

A wzytte of ryghte de rationabili parte is such.

Rex .N. de .B. salutem p̄z̄ tibi plenū rectū tencas .C. de .B. de vno mes̄ cū ptiñ in London, quod clam̄ esse rationabilem partem suam, que cum contingit de libero tenito qō fuit .N. p̄tis, matris, fr̄is. vel sozozis sui vel sue, et tenere dete per liberum seruiciū quarte partis vnius denarii per annum p̄z̄o omni seruiz̄ quod .G. ei defozcat, et ne feceris .&c. .nisi amplius, &c.

THys wzyt of ryght de Rationabili parte: lyeth al tymes betwyxt p̄ze ucs of bloud, as betwyxt bzothers systers, neuewes, oz neces, and not betwyxte straungers. And yf it be bzought betwyxte strayngers, the wzyt shal abate And also it lyeth where myne auncestour dyed not seased, as yf any mā which hath many coheyzes make a lease for certayne lande, rente oz tenemente, for terme of

lyfe of the lessee, or for terme of an others lyfe, and dyeth before that the reuercyon of the sayd landes be to him reuerted. And after ꝑ the lessee dyeth or he for whose lyfe the lande was let, and one of these coheyres (to whome the lande ought to reuerte) doth entre, and holdeth al the other coheyres out, then they whiche are holden out, shall haue the sayde wrytte agaynste that coheire that hath entred into the hole lande. And knowe ye that this wryt is a wryt of ryght patente, but it shall not be tryed by battayle, or graunde assyse. And this wrytte lyeth not betwyxte parentes which claymeth by dyscente (after that it passeth the thyrde degree) but it lyethe betwyxte brotherne and systerne where the one claymeth by chartour, and the other by dyscente, for this wrytte is not ordeyned, but for to trye the pryuitie of bloude.

Proces. And the proces is a Somons, & if he make defaut at the Somons retournable, then the graunde Cape. But yf he come at the Somons retournable and after make defaute then the petite Cape shall be awarded. But yf the parties come and pleade to issue, then the proces is agaynst the Jury Uentre facias, Hebeas corpora, and a dystresse, vntyl they come. Also there are other wryttes, as of Eschete, Droit sur dysclaymer, Meane, Cessauit, Droit de

garde

garde, which are called wzyttes of ryght bycause that they are taken by reason of the seignozy: and not bycause of dissesin to hym, noz to theyz auncestoure.

¶ Item if a man hath issue .ii. doughters by dyuers women, and dyeth, they entre and make pzopertie betwyxte them, yf the one dye without heyze generall, oz specyal: her parte shal eschete to the lozde, and shall not discende to her syster of the halfe bloude, but yf that syster haue an vncle, the lande shal discende to the vncle, and if the vncle dye without heyze of his bodye, the lande shal discend to the other syster whiche was of the halfe bloud, et ecõtra Quere hoc. If a man haue issue two sonnes by dyuers women and dyeth, the elder dothe entre in the lande, & dyeth without heyze of his body, the lande shall discende to his vncle. And yf the vncle dye without heire of his body, the lande shal discende to the yonger bzother, as colin and heire to him. Mota. Quere.

☞ A wzyt of ryght close. A wzytte of right close is such.

Rex ballivis suis de B. salutem pzeꝯ vobis p̃ sine dilatione et sicõm cõsuetudinem manerii nẽi de B. plenũ rectũ teneatis W. de C de vno messuagio cum pertiñ. L. qõ et defozciat, ne amplius &c. teste &c.

THys wzytte of Ryght close (which is called after the custome of the maner) shalbe al tymes bzought in the courte of auncient demeane. And euery

wryt (that is sued vpon the custome of the maner) is called a wrytte of ryght close. And thys wrytte lyeth alwayes betwyxt Sokemen, which are of auncyent demean And knowe ye that a Sokeman is properly suche one that is free, and holdeth of the kynge (or of any other lorde of auncyente demeane) landes or tenementes in bylle-nage, and is priuileged in this maner, that no man ought to put hym out of his landes & tenementes, as longe as he is able to do his seruyces, whiche to his landes and tenementes belongeth, no mã may encrease the seruyces of his tenant, nor constrayne hym to do mo seruyces, then he hath done in tyme past. And for that these Sokemen were gaynours of ꝑ lordes landes in auncient demeane. And they ought not to be somoned, nor trauayled, in Iuryes nor enquestes, but in the maners, to whome they belonge. But yet in plees of trespas, Det, and other personal actyons they are somoned as other people. And of these tenantes in bylenage, loke the fyrst statute of Kyc. the .ii. Capi. bi. And one Sokemã may not emplede another of landes & tenemẽtes within aũcient demeane by anye other wrytte then this wryt of ryghte close. And in this wrytte the demaundante shall make his protestacyon in the courte, to sue his wrytte in the natur

ture of what wrytte that he wyll, as hys
cale lyeth. And knowe ye, that this wryt
shal not be remoued, but for a great cause
that is to say, whē the courte lacketh po-
wer or for that, that he sayth that his fa-
ther was enfeoffed by our souerayne lorde
the kynge, and sayth that he maye not, ne
ought not (without the kynge) make an-
swere. Or he sayth that he holdeth the te-
nementes (which are in demaunde) at the
cōmon lawe, by fine leuyed in the court of
the kynge afore suche Justices, & for that
the plee maye not be sued forthe by thys
wrytte of ryght close in the courte of aun
cient demeane, & many other causes are,
wherby this wrytte may not be remoued
by the Recordare at the sute of the tenant
Knowe ye that all those landes or tene-
mentes which are in the hand of the lorde
of auncient demeane, are franke fee, and
pledable at the cōmō law. And al these lā-
des & tenementes which are in the handes
of those tenauntes of auncyente demeane
are pleadable within auncyente demeane,
and not in other places. And knowe ye, þ
the demaundant in this wrytte maye not
remoue the plee for cause, not withoute
cause, for that, þ he may not haue a Tolte
to put it into þ counte, nor remoue the plee
out of þ coūtie into the cōmon banke. But
yf he complayne (that ryght to hym is de-
nyed

nyed or delayd in auncient demeane) And then he shal haue a writ out of the Chauncery to the shyrysse of the same countie, cõmaundynge hym that he go in his proper person, takyng with hym foure knyghtes of his countie, and go to the sayd court of auncient demeane to se that ryght to hym be done. The demaundant also may haue other writtes to helpe hym as it appeareth by ỳ Regiſtre. And also the tenaunte maye haue a Superſedias, in case that he bouch a foreyne to warrantie in the court of aũcient demeane. And vpõ that one attachement (yf nede be) And in case, that ỳ sayd landes in auncient demeane be solde by fyne without lycence of theyr lorde, he may haue a writ of the Chauncery, for to annul ỳ sayd fyne (As it is sayd) or other wayes, he may haue a writ of dyſceyte agaynſt his tenant that hath leuyed ỳ sayd fine, & recouer his damages. vt dicitur. &c

¶ Addicion.

☞ And note, whiche are good causes in this writ to remoue one matter out of one perticuler court into the kinges court. &c.

¶ Iknow ye, ỳ it is sayd in Aſſyſe brought by the Abbot of. E. &c. tha it is good cause to remoue the ple, to say that the bayly is seruant of the pleyntyfe. And it was said that if one ple be remoued out of the court of one lorde, for one cause, the cause is tra-

uerſable

nerſable but of one plainte out of ỹ counte otherwyſe is. Quere the dyuerſitte.

Quere. H. ii. H. 4.

☞ In allyſe of freſchekozce bzoughte in ancient demeane, the tenaunt ſued a recoz dare to the ſhyzyffe, foz to remoue the plee and the cauſe was that the bayliffe had a liuerie of ỹ playntiffe, and the plaint was of the freholde. And it was holden that this cauſe was not ſuffyciente, to put the court out of Juriſdiction, foz the iudgmẽt belongeth to the ſutours & not to the bayliye. And not lyke to one recozdare, to remoue one plee into the countie, & to ſhewe that the ſhyzffe hath a lyuere of the pleintyffe there the plee ſhall not be demaunded foz that, that the one and the other are the courtes of the kynge.

¶ A wzytte of ryght of Pzecipe in Capite.

A wzytte of ryght of Pzecipe in Capite is ſuch.

Rex vic̃ H. ſalutẽ pzecipe A. q̃ iuſte. ꝛc. red dat B. vnũ meſuagium cõ pertiñ in C. qõ clamat eſſe ius et hereditatẽ ſuam et tenere de nobis in capite, et vnde querit: quod pzedictus A. ei iuſte deboz̃eat, vt dic̃. Et niſi fecerit, et ꝑdict⁹ B. fecerit te ſecurũ de clam̃ ſuo ꝑ̃ tunc ſum̃. ꝛc. q̃ ſit cozã inſtic̃. ꝛc. oſtenſurum quare non fec̃, et habeas. ꝛc.

THis wzit of ryght, Pzecipe in Capite, lyeth foz the tenaunt which holdeth of the kynge in cheſe, as of his crowne, which tenaunt is deboz̃ed, then he ſhal haue this wzyt, and this wzitte is cloſe

cloſe, and ſhall be pleaded in the common banke. For yf any tenaunte whiche holdeth of any lorde be deforced, he oughte to haue a wryt of ryght patent, which wryt ſhalbe determyned in the court of the ſaid lorde. And in the ſame maner, he that holdeth of the kyng in chiefe, as of his crown (yf he be deforced) he ſhall haue a Precipe in Capite. But by the graunde chartoure. cap. xxiii. whiche begynneth. Breue quod vocatur Precipe in capite, wyll that thys wrytte ſhall not be graunted to any man wherby any free man may loſe his courte. But yf any wyll haue thys wryt, he ſhall ſweare by his faythe that the tenemente (whiche is in demaunde) is holden of the kynge in chiefe, as of his crowne, and of none other. But yf any man purchaſe the Precipe in Capite, by falſe ſuggeſtyon made in the courte of the kyng, to defraud the chiefe lorde of his court, then the cheefe lorde ſhall haue a wrytte to cal agayne the plee dyrected to the Juſtyces, that they may enquyre if the tenementes be holden of the kynge or of the cheefe lorde. And if it be founde, that the tenementes are holden of the cheefe lorde then the demaundaunte (yf ha wyll) may bryng his writ of ryght patente in the courte of the lorde.

¶ And knowe ye, that if any man be eſſoyned de malo lecti in a wryt of ryghte, then

yf

yf the demaundant wyl pzoue that the tenant is not so sick (but that he may come wel ynoughe) & the enquest fynd agaynst the sayde tenaunt, his essoyne shall turne him in one defaut. And also this essoune lyeth not but in a wzyt of ryght, where two claymeth by one dyscent. And that is ozdeyned by the statute of westm. ii. cap. 17. which begynneth Jn itinere Justiciariis And vpon that ỹ demaundant shall haue a wzyt out of the Chauncery to enquere (yf the tenaunt be sicke oz not) And also if the tenaunt hath demaunded lycence to ryse, and to appere in the court, where the wzit of ryght hangeth. And yf to hym it be denyed, then he shall haue a wzytte (whiche is called) Delicentia surgendi. &c.

¶ Addicion. A.7.

☞ Then ỹ lozde may recouer his courte by two other wayes, that is to say when the wzyt hangeth befoze the Justyces, he may come befoze them and shewe his case howe these tenementes are holden of hym And if the Justice se and fynde his suggestion true, the wzyt shall abate. Ut patet. E.3.

¶ Oz yf the demaundaunte recouer by thys wzytte, the lozde maye after bzynge a wzyt of disceit against the demaundant and recouer his damages agaynst hym. T.12. E.3.

And after by petition, he shall recouer his seignozy out of the hãdes of ỹ king Ut pz.

A wzyt

A wryt of Monstrauerunt is such

¶ A wryt of Monstrauerunt.

Ex Abbati de J. salutem. Monstrauerunt nobis homines, de manerio de J. qđ est de antiquo dominico corone Anglie qđ tu exigis ab eis alias consuetudines et alia seruicia q̄ facere debent et antecessores sui tenentes de eodem manerio facere consueuerunt, partibus quibus manerium illud fuit in manibus progenitorum nostrorū quondam regum Anglie, vel in manu nostra et ideo tibi precipim⁹ q̄ a prefat hominibus non exigas nec exigi permittas alias consuetudines et seruicia q̄ facere debent et antecessores sui predicti facere consueuerunt tēporibus predictis Et nisi ad mandatum nostrum hoc feceris J. vic. nostro de M. id. fieri precipim⁹, teste &c

This wryt, whiche is called Monstraucrunt, lyeth for tenantes in auncient demeane which are distrayned for to make other seruyces, or customes, then they or theyr auncestours made in the tyme of Wylliam Conquerour whiche passeth the tyme of memory.

¶ And knowe ye, that this wrytte shalbe dyrected to the lorde, whiche demaundeth other seruyces or customes (as afore is sayde) hym commaundynge, that he demaunde none other seruices and customes but such that he and his auncestours hath done in auncyent demeane tenure. And also they may haue a Monstraucrunt dyrected to the shyryffe hym commaūdynge that he shal not suffre the lord to distraine the sayd tenauntes to do other seruices & customes

cuſtomes then they ought to do. And knowe ye that if the tenaut may not be in quyet ne peace by this wrytte, they maye haue one attachemente agaynſt the lorde, that he be before the Juſtices of our ſoueraygne lorde the kynge at a certayne daye &c. And the names of all the tenauntes, ſhalbe put in the wryt, and al the tenauntes togyther ſhal ſue the ſame wrytte, for yf one tenaunte be dyſtrayned to do other ſeruyces or cuſtomes (then they ought to do) that ſhalbe in preiudice of al the other tenauntes, whiche holdeth by lyke maner of ſeruices. &c. when the boke of Domyſdaye was made that is to ſay, in the time of kaynte Edwarde the kynge, all the landes and tenementes whiche were in his handes at ſuch tyme that the boke of Domyſday was made, are called auncyente demeane. But the landes and tenementes which then were in other mennes handes are franke fee, and pledable at the commō lawe. And the proces is a prohibition, one attachement, and one dyſtres. &c. Proces.

¶ Addicion.

¶ Knowe ye that in this wryt of Monſtrauerunt euery one of them may declare ſeuerally, and ſo they maye not in other wrytes but in this wryt. And they may make one declaracyon (yf they wyll) P.36. E.3.

¶ And in this writ, yf death of one of theſe

playntyffes shall not abate the wrytte, by the opinion of the courte. Notwithstandynge that all be not named, yet the wrytt lyeth for those that wyl sue, by Babb.

M.11. E.3. ¶ And in this wrytte they shall declare of euery tenure, and that the lord them distrained for mo seruices. Or if he demaūd and dystrayne not, yet the wrytte lyethe for thē, and they shall put in certayne, for what thynge he dothe dystrayne theym. But they ought not to allege the day and place in certayne, no more then in a wrytt of Meane, for a man shall haue a writ of meane, though he were neuer distreyned.

M.39. E.3. ¶ And also it is conuenient, that the pleintiffe shew, þ the maner is auncīēt demeane

M.41. E.3. ¶ And knowe ye, that this wrytt lieth not for such men þ holdeth lande in auncīente demeane, by courte rolle at the wyl of the lorde.

A wrytte of Ne in iuste veres is such.

¶ A wrytte of Ne iniuste veres.

REX. salutē Prohibemus tibi ne iniuste veres vel verare pmittē B. de libero tenemēto suo: qđ dete tenet in M. nec ab eo exigas vel exigi permittas consuetudines et seruicia: que inde facere non debet nec solet, et nisi feceris vic. M. id fieri faciet ne amplius inde clamet aūb pro defectu recti. teste. &c.

THys wrytte of ne iniuste veres, lyeth where any lorde doth distrayne his fre tenaunte, whiche holdeth of hym by certayne seruices and customes to

do

bo mo ſeruices oz cuſtomes then he oz his
auncęſtours was wonte to do, then the
tenaunt ſhal haue this wzyt, as is pzouid-
ed in the ſtatute of Magna carta Cap. 10
which begynneth (Nullus diſtringatur.
ec. And this wzyt is a pzohibicion which
ſhalbe dyzected to the chiefe lozde cõmaun
dyng hym that he dyſtrayne not his free
tenãt to do any other ſeruice, noz cuſtome
then the ſayde tenaunt oz his auncęſtoure
was wont to do. And this wzyt is a wzit
of ryght patent, foz this clauſe ſhalbe put
in the wzit Et niſi fec dic. ꝛc. And knowe
ye, that this wzyt, is al tymes auncęſtrel
& ſhalbe determyned by bataylle oz graund
aſſyſe. And the pzoces is, as in the Mon-
ſtrauerunt, that is to ſay, one pzohibicion
one attachement and dyſtreſſe. Pzoces.

¶ Knowe ye, that in this wzit he ſhal not declare wyke he diſtreyned, but ſhal ſaye, that he hath dyſm greued foz mo ſeruices. ꝛc. M. 40. E. 3.

☞ A wzyt of ryght, Quando dominus remiſit curiam ſuam domino regi.

A wzytte of righte Quã dominus remiſit curiã ſuã dõino regi in ſuch.

Rex vicecomiti Mitto ſalutez Pzecipio tibi quod iuſte. ꝛc. reddat B. vnum meſuagium cum pertiñ in F. quod clamat eſſe ius, et hereditatem ſuam. Et vnde queritur q predictus A. ei iniuſte deforciat. Et niſi fecerit et predictus B. fecerit te ſecurum de clameo ſuo pzoces tunc ſum q bonos ſum predictũ A. q ſit coꝝ Juſtitiarijs. ꝛc

oſtenſurum quare non fecerit. Et habeas ibi tum nomen hoc breue teſte. ꝛc. Quia capitalis dominus noſter inde remiſit curiam ſuam.

This writ of ryght Quia dñs remiſit cur ſuam domino regi, lyeth in caſe where lādes or tenemētes (whiche are within the ſeignory or of any lord) are in demaunde by a writ of ryght. And yf the lorde holde no court (or otherwyſe) at the prayer of the demaundant, or the tenāt ſhall ſende to the courte of the kynge hys writ, to put to the kyng his court for that tyme, ſaynge to him another tyme the right of his ſeignorye. And this writ ſhal be retourned before the Juſtices of the cō mon banke, and ſhalbe cloſe. And theſe clauſes ſhalbe put in the writ in the ende Poſt teſte me ipſo. ꝛc. Quia capitalis dominus feodi illius inde remiſit nobis curiam ſuam. ꝛc. And the proces is, ſomons, graunde cape and petite cape.

☞ A writte of Execution of Judgement.

A writte of execution of Judgemēt is ſuch.

Rex vic Wigorn ſalutē. Precipimus tibi, q̄ execut̄ iudicii nuper reddit̄ coīā nob̄ tuo de loquela que fuit in comitatu tuo per breue nr̄m de recto inter A petentem et B tenentem de vno mes. cum pertin in L. ſine dilatione fieri fac. ꝛc.

This writ (de executione Iudicii) lyeth where any plee is pleaded vnto Jugement, & the lyrryffe (if the plee be

ve in the countie) oz the bayliffe (if he be in court baron oz in hundzede) in fauoure of the tenant oz by other chaunce pzolong oz deferre the iugement, then the demaundant shall haue this wzyt. And this wzytte is one Iusticies. But yf he make execution, thē shall there go out a Sicut alias, with a clause (Ideō cām nobis significes) and after that one Pluries, that shal go out attachemente as in a Recpt. And knowe ye, that this wzyt lyeth foz the demaundante in a wzyt of zyght patent oz close, aswell agaynst the bayliffe (if the plee be in an other court) as agaynst the shyzyffe, yf the plee be in the cōtie. And also in this wzit lyeth the pzoces of a contempte, and may be made in al other wzyttes if nede be. &c.

☞ A wzyt of false Iugement.

A wzyt of false iudgemēt is such

Rex vic̄ Nozt, salutē. Si. A. fecerit te secur de clam suo, pzōs tunc in pleno com tuo recozdari fac̄ loquelā, q̄ fuit in eodē com per bōs nostrum de recto inter ipsū A petentem de vno mes cū pertin̄ C. vnde idem A. queritz falsum sibi factū fuisse iudiciū in eodē com et recozdō illud habeas coz̄ Iusticiariis nr̄is apud westm̄ tali die sub sigillo tuo et sigillis iiii. legaliū militū eiusdē com ex illis q̄ recozdō illi inter fuerint et sum̄ per bonos sum̄ pzedictum B. qō tunc sit ibi audituz recozdū illud Et habeas ibi sum̄ nomina pzūd quatuoz militū et hoc breue teste. &c.

THys wzytte De falso iudicio, lyeth where falce iudgementes is gyuen

in countie, hundred, or in courte Baron then he (agaynste whome this is gyuen) shall haue this wrytte for to cause the recorde to be brought before the Justyces of the banke, or in Eyre. And knowe ye, that this wryt shal extende aswell to writtes of ryght which are pledable in countye or in court baron, without wrytte. And knowe ye that a wryt of false iudgement lyeth not in assyse of freshe force, but a wrytte of Errour. And knowe ye that the proces in this wryt agaynst the partie is a garnysshement vpon his peryl, & against the shyryffe, or agaynst those baylyffes (yf they do not the commaundemente of the kynge) by distresse. &c.

Proces.

¶ Addicion.

¶ Knowe ye, vpon which iudgementes a man shall haue a false iudgemente yf one Justices be directed to the shirikke, to hold plee notwithstanding þ it be orygynall, yet he shal haue a wryt of false iugement. &c.

C.34. H.6.

¶ And in a wryt of right, that the tenant doth plede to thenquest, and at the Ventre facias, the tenant is essoyned, & hath day ouer, and no proces is made against thenquest, ne contynued by the roll. And also at the same day, that the tenaunt hath by the essoyne he is essoyned an other tyme, & that is chalenged for that, this that is the seconde day after thenquest, notwithstan

H.ii. E.j.

dynge

bynge that, that eſſoyne is alowed. And alſo after ſuch diſcõtinuance (if the plevntyffe be nonſute in the wrytt of ryght) and iugement ſynal be gyuen, in al theſe caſes he ſhal haue a writ of falſe iudgement. &c.

¶ In a writ of ryght tiole brought in the courte of the lorde, the proces dothe contynue buttyl the demaundaunt do recouer, the tenaunt doth ſue a wrytt of falſe iudgemente: and ſheweth that the lande is holden by the berge, in whiche caſe he ought to ſue by byll, and it was awarded that he ſhulde take nothynge by his wrytte of falſe iudgemente, for that, that yf this iugement be reuerſed, that ſhalbe to gyue a freholde to the tenaunte where he laſte no ſuche thynge. B.15. B.4.

☞ Tenaunt at wyll of the lorde (after the cuſtome of the maner) brought a wrytt of ryght and made his proteſtacyon to ſue in the nature of aſſyſe of mortdauncetre, the proces dyd contynue vnto the demaundaunt dyd recouer, & the tenaunt brought a wrytt of falſe iudgement, and aſſyned that he ſhulde take nothynge by hys wrytt for the reaſon aforeſayde. B.15. B.2.

☞ In a wrytt of falſe iudgement, yf the ſhirriffe retourne that he went to the court and that the ſuetours ſayde that heare is no ſuch plee, then there ſhall go out a Siſcut alias: and not a wrytt to cauſe the ſue E.19. E.3.

cours to come but in case, where the parte wyl haue, that the recorde is other then these iuetours hath recorded.

☞ And knowe ye, that yf the Shyrysse gyue false iudgement, without the assente of the iuetours, the partie shal not haue a writ of false iudgement, but shal haue his remedy (by bill) agaynst the shyrysse.

¶ A writ of Errour.

A writte of Errour is such.

Rex ballius suis de Oroñ salutē. Quia in recorde et processu, ac etiā in reddicione iudicii alsie freelce korcie, que iné A et B. fuit et capta cozā nobis in curia nra Oroñ sine bre nro secundū consuetudinem ciuitatis predicte de vno mes cū pertiñ in Oroñ erroz itcruenit manifestus ad graue dampnū ipsius A sicut ex q̄ex sua accepimus nos errozē si quis fuit modoꝺe bito corrigit et partibus predictis plenā et celerē iustitiā fieri volētes in hac parte vobis pzēc q̄ si iudicium inde reddit fit tunc recordū et processū assise predicte cū omnibus ea tāgētibus nobis sub sigillis vris distincti, et aperte mittatis et hoc bre ita q̄ ea habeatis a die &c. vbicunq; &c. vt in spectis recordo et processu predictus viterius inde fieri faciamus, q̄ de iure et scom legē et cōsuetudinē regni nri Anglie fuerit faciendū teste &c.

THys writ of Errour, lyeth in case where false iugemēt is giuen in the cōmon banke the whyche writ shal be retourned into the kynges benche, and yf the false iudgement be gyuen, in the kinges benche, it shalbe reuersed by parlyament, or by the kynges great counsayle by petition shewed before them. And yf false

iugement

iugement be gyuen in the citie of London
beforze the shyrffes of the same cytie then
shal a writ of errour be sent to the Mayre
& shyrffes, that they redresse the sayde
iugement before thē in the hustynges nexte
to come. And yf they do not redresse the
sayd iugement, then shal there be certaine
Justices assyned by the kynges cōmission
to sytt at saynt Martines the great by ni-
si prius, forz to redresse the sayd iugement
And yf the defaute be founde in the sayde
Mayre and shyrffes, they shalbe punyf-
shed forz theyr mysprision, by ordynaunce
conteyned in the statute de An. 28. E. 3.
Cap. 10. But in case that false iudgement
be giuen, before the Mayre: then shall be
made one cōmission to certaine persons as
is sayde. And in case that a writ of false
iugement be returned before the Justices
of the cōmō banke and the partie say that
the recorde is other then the courte reco-
ded, the auerment shalbe receyued and by
those which were present in the court whyr
the recorde was made, yf they come with
the other of the countre by the retourne of
the shyrffe. And if they come not by the en
quest take by the good countre. Ut per
statutū inde An. 1. E. 3. Capi. 5.

☞ Addicion.

¶ In a writte of Mcane brought against ii. brothers, the one hath issue & dieth, and

T. 16. E. 3.

iudgement is gyuen agaynſt the other by his defaute, and the iſſue ſ his vncle dothe bring a writ of errour for that, that the ſeignory is departed betwyxte males by blage and aſſygned for Errour the deathe of his brother at tyme of the iudgement, ſ was awarded, that the iugement be reuerſed, for that that the brother (in this caſe) may not haue a writ of diſceyte for to reuerſe that, that was loſt, but onely damages, and this is errour in dede.

¶ One aſſygned errour, that ſuch a day the exigent was awarded returnable ſuch a day, afore whiche daye the kynge dyed, and he was not but two tymes demaunded, in tyme of kyng Edwarde the fourth ſ thre tymes in tyme of king Rychard the iii, and that was holden Errour, for that the writte abated in dede, by the death of the kyng E. ſ ỳ is errour in dede. And yet this bylawry was not boyde but errour.

M.5. M.7.

¶ One aſſygned Errour for as muche as after the yſſue ioyned, and afore the verdyte bys attourney was deade, that was none errour, for that, that by his death ỳ writte abated not, nor the iſſue wayned ne diſcontinued, for that, that he may appere by another attourney, or proper perſon. And alſo he ſhall not ſay that his attourney was deade at the time of his plee for that, that it is againſt the recorde, but

M.7. M.7.a

ye shal say that another man of the same name apperd, without that, that the attourney was of lyne. And knowe ye that he may not assygne Errour but in p̄per person.

☞ Errour brought in the banke of the kynge of a iudgement gyuen in a wryt of dower, and assygned for errour, for that that these tenantes in the wryt of dower appeareth by attourney, where no warrante of attourney was entred, and pray a wrytte to certyfy, yf any warrant be or not, & was awarded that he shal not haue aduantage to assyne that for errour. And diuersitie taken betwyxt errour (whiche is matter in dede) and errour, whiche is matter of recorde. For if ỹ partie one time sue one Scire facias, he shall neuer assyne errour in dede after, for yf after a Scire facias awarded, one wyl assyne errour, for to avoid one btlawry, to say that he was in warre in Fraūce vnder such a captaine he shall not haue suche assygnemente for it is errour in dede, and not parcel of the recorde. And loke yf one after the Scire facias may assyne Errour: for to reuerse one btlawry, to say that he was not but foure tymes called, and pray a certyfycacion. Quere yf he shall haue or not for to certyfye the exigent. &c.

☞ In a Scire facias out of a recognysaunce

H.22. E.3.

Quere.

T.29. E.3.

saunce agaynst. bi. the shiriffes retourned that they are deade, and these other thre come by warnynge, and aleged the deathe of the other, & that they heyres are with in age, and demaund iudgement (if during they nonage) they shalbe put to answere vpon which was awarded, that the plee shall tary. And nowe the plee was a wryt of errour: and assygned Errours for that by the recognisaunce all. bi. were charged and euery one of the hole, for the whiche when these thre dyd come, execution agaynst them ought to haue ben awarded. Another errour was for that, that they aleged that the heyres (of the other thre) were within age. &c. which plee lyeth not in theyr mouthes, for that, that they are strangers. &c. And for the first errour was sayd, that the charge falleth equally vpon all these tenauntes in cõmon, and not vpon one, for notwithstandynge that the landes of the one ware liuerd. &c. he shal be aided (vpon his suggestion) &c. And to the second Errour was sayde that a straūger may alege the nonage of an other, and proces shall not be made agaynste hym, in whome nonage is aleged (yf it be not trauersed) & al was affyrmed by iudgmēt. &c.

29.9. 9.5. ¶ If a wryte of Tresplase be brought agaynst many, & some appere and pleade not gylty: which are founde gylty, and a-

agaynste

gaynſt theſe other proces is ſued. Quere.

☞ Quere if theſe other which are found gylty, ſhalbe receyued to alege Errour in the proces made agaynſt the other which are ſeuered in proces.

☞ The executours of one man broughte a wrytte of Errour of outlawry pronounced, agaynſt the teſtatour in his lyfe, and for dyuers errours the outlawry was reuerſed at theyr ſute, and they reſtored to the goodes of theyr teſtatour. fo. xx. li. 4.

☞ A wryt of Dedimus poteſtatē de atturnato faciās.

A wrytte of Dedimus poteſtatem de atturnato fac is ſuche.

Rex balliuis ſuis de hundredo de H. ſalutē quia per cōmune conſilium regni nr̄i Anglie prouiſū eſt q̄ quilibet liber homo poſſit fac atturnatum ſuū ad loquelas proſequendū et defendū motas in cūria tribꝰ hundr. wapētagiis et altas cur̄ ſine br̄i nr̄o, vobis precipimus q̄ atturn̄ ſuū voluit ad loquelas ſuas perſequendū motas coram vobis in hundredo nr̄o predicto loco ipſius A. ſine difficultate ad hoc recipiatis hac vice de gracia ſpeciali teſte.rr.

THys wryt of dedimus poteſtatem de atturnat faciend̄, lyethe where a man is pledyng in the courte of the kynge, and may not trauayle, nor attende his plee, for ſyckenes or other buſynes which he hath to do, the he may haue the ſayde wryt dyrected to the ſhyryffe, or to an abbot, or to a prior, or to a knyght. &c. to retorne his attourney. And it ſhall be

cōmaunded

commaunded in the sayde wryt that he (to whome the wryt is dyrected) retourne the sayde wryt vnder his seale, and the name of the attourney which is receyued, that he may be knowen in the kinges court, as it appereth in a certayne statute. De libertatibus perquirendis in fine. And knowe ye that in euery ple of lande, and plee personal: as well the tenaunt as the demaundant, may make theyr attourneys, as the defendant or the plaintiffe, and that before Justices (whiche hathe power to receyue attourney without wryttē) yf the plee be before thē in the Chauncery, or otherwise he that shall haue attourney, maye sue to the kynges court, and purchase this wryt of Dedimus potestatem as before is sayde And knowe ye that euery free man, maye make his attourney as well to make sure in countie, hundrede, or in courte baron, as he may pursue or defende, and that wil the statute of Merton. Capi. 9. And also when a free man hath noted and ordeyned hys attourney in anye maner (as afore is sayd) yet he may (yf he wyll) the same attourney remoue and make a newe. And knowe ye that no man may make attourney in appel, as it appereth by the statute of Glocestre. Capi. viii.

Fo. 42.

¶ Addicion.

¶ Knowe ye that in appele of robery, the defen-

defendaunt pleaded not gylty & was found gylty, & after verdite he layd that he was clerke, and the pleintike layd that he was Biganus. And for as much as the prooces shalbe made to the bysshoppe to certify, he was not appelled vpon the principal. In this cale the pleyntyffe was receyued to make attourney. E.3.Al. Alisa.

¶ In appele, the defendaunt was acquyted, the abbettours were enquyred of, and A. & B. were found abbettours, by which the defendaunt prayed a dystresse against them, and had it. And prayed also that he myght make attourney agaynste the abbettours, and so dyd. H.8. E.4.

¶ If the appele be acquyted by enquestе, and the Justices hath enquyred of the abbettoures, whiche are founde: and there is certaine matter within the record that the Justyces wyll be aduised of the iugement the appele shalbe receyued to make attourney. H.22. H.6.

¶ Knowe ye, that a woman maye be attourney for her husbande by byll. H.15. E.3.

¶ An infaunte maye not be attourney, ne make attourney. H.a.1. H.5.

¶ Knowe ye, that thre thynges belongeth to the makynge of attourney, one is that the attourney wyl agree to be attourney for the partie. And another þ the parte wyl haue him for his attourney. And the H.7. H.4.

thyrde

kyng, ꝓ the Justices wil recorde his name
And name of the may be without ꝓ other.
29.H.6. ¶ Knowe ye, that it was sayde in a writ
C.4. of errour, brought of a false iugement gyuē
in the countie. &c. ꝓ in euery case where
the parte is for to excuse hym agaynst the
kynge of a contempte, he ought to be in
propre persone, and not by attourney.
For it was sayde that where a prohibicō
was awarded out of the cōmon place to ꝓ
archedeakē of L. for that that by the sur-
myse of the parte, he shewed howe an ac-
tion of that same thynge was hangyng in
the cōmon banke, and vppon that one at-
tachemēt & a dystres went forth. &c. for to
answere to ꝓ contempte, & the archdeacon
was charged at the day of the distresse re-
tourned, for to come in proper person, for
excusynge of hym selfe in that he dyd not
succesle. And may not be by attourney.
¶ One which cometh in vpon an exigent
(before plee pleaded) wolde haue made at-
tourney & myght not: Contrarye lawe is
when he commeth in by supersedias.
¶ One attourney maye pleade my na-
mynge of his mayster, whiche standeth
with his warrauntie. As if the warrantie
be J. S. polo suo. &c. He maye say that he
is made knyght.
¶ Protectio cum clausula
volumus.

Ket

Rex omnibus balliuis et fidelib⁹ suis ad quos p̄sentes litere peruenerint salutem. Sciatis q̄ suscepimus in p̄tectionē et defensionem nr̄am dilectum et fidelem J. J. qui in obsequium nr̄m et p̄ceptū nostrū p̄fectus est ad partes Scocie, omnes terras redditus, et omnes possessiones suas. Et ideo vobis mādamus q̄ ipsū Johēm terras redditus manu teneatis p̄tegatis et defendat et oēs possessiones suas, nō inferē tes eis vel inferri permittentes iniuriā, molestiā dāpnū, aut grauamen Et si quis eis faciat sine dilatione faciatis emendare. In cuius rei testimoniū has litteras nr̄as fieri fecimus patētes vsq; ad festū sancti Michaelis p̄xim⁹ futurū durat⁹ eū, volumus etiā q̄ idem J. J. sit quietus de oibus plitis et querelis exceptis placitis de dote, vnde nihil habet ꝛc. Quare impedit et āll. de noue dissie vltime p̄sentacionis et attinetis, et ex certis loquelis, quas coꝝ Justic nr̄is itinerā tib⁹ in itineribus suis sōmoniri cōtigerint plēs minime valiture, si contigant ipsū J. J. inter ill ud non arepi vel postquam citra terminum illū in Anglia redierit a partibus p̄dictis. S. ꝛc.

Protectio cum clausula volumus.

Protectio (cū clausula volumus lieth in case where a man passeth ouer the see in ỹ kinges seruice vnder any lord he ought to haue the seale of his lorde (vnto whō he went) or a byl dyrected to the gardeyne of the p̄ceuy seale, for one suche that wyll go with hym in the kynges seruyce and when he hath a p̄ceuye seale, he maye haue his p̄tection graunted of the chaūceler. And knowe ye, that euery man whiche hath the p̄tection (Cum clausula volumus (shalbe acquyted of all maner of

plees, except plees of dower. Unde nihil habet, Quare ipedit, Assisa de no. dis. Ultime p̄clōtionis, & except plees whiche are somoned before Justices in Eyer. But the p̄tection shall not be allowed before any iudge, for tarynge of bytayle, or byenge for the byage in the seruyce, whereof the p̄tection maketh mencyon. Me other wayes in plees of Tresspas, or contractes made or had, after the date of the same p̄tectyon, as wel the statute An. 1 Ry. 2. Capi. 8. whiche begynneth. Item assent. ꝛc. And knowe ye that in case that a man purchase this p̄tection, for to delay any plee in discept of the partie, or in any other maner, and he go not in the byage, after the maner of his p̄tection, the partye demaundaunt, or pleyntyffe may haue one Circtorare out of the Chauncery to the shyryffe (where suche person dwelleth) for to certyfye the kyng in ꝑ Chauncery thereof, whether he be gone or not and then yf the shyryffe retourne, that he is not gone in the byage, but dwelleth in suche place attendynge to hys p̄opre busynes, the partye persuaunte may haue a patent (whiche is called Innotescymus) to al people to for adnul the sayd p̄tectyon, or other close wrytte dyrected to the Mayre, shyryffes, or baylyffe, commaundynge them, that yf the sayde p̄tection

be

be shewed before thē, or any of thē, in de-
laye or disturbance of the demaundaunte
or playntyffe, they shal take the sayd Pro-
tection, and that send into the Chauncery
for to be there cancelled, & adnulled. And
in the same maner shall the demaundaunte
or playntyffe haue to the Justyces of the
cōmon banke or other Justices ỳ they shal
surces to alowe suche Protections. And ỳ
they shall sende the Protectyon into the
Chaūcery as afore is sayd. And when any
suche Protection is shewed before the Iu-
stices for to delaye the partye (as afore is
sayd) that by the statute (de Protectioni-
bus allocādis) made in the tyme of kyng
Ed. sonne to kyng Henry, the. xxx. yere of
hys reygne, is ordeyned certayne maner
of proces, as apperetly in the sayde statute

¶ Addicion.

¶ Know ye ỳ a protectiō (or profecturus)
shal not be allowed in any plee cōmenced
afore the date of that (yf it be not in the bi
age where the kynge goeth hym selfe or o-
ther byages royall, or in meffages of the
kyng for bulynes of the realme An. xv. R.
2. Ca. 16. And where a protectiō shalbe al
lowed in byage royal here after appereth
¶ In a Scire facias, to haue execution of
a fyne, the tenaunt sheweth a protection H 3.
Mula profecturus in comitiua, with the H. 6.
protectour of the realme and was alowed

and if he go bi cõmaundement of the king in message. &c. it shalbe alowed.

H.7. H.6. ¶ In a Precipe quod reddat. A protectyõ was shewed for one, which wēt with the Erle of H. into Gascoyne, and was chalenged for that, ỳ it was not biage royall, and the cõmission of the Erle was shewed forth, which wyl that the kyng made him his lyuetenaunt, and gaue hym power to pardon felony, and treson, and to enquyre of those which made resystence agaynste hym, and to make coyne. &c. And for that, that he hath power to enquyre by specyal graunt, the protection was allowed.

H.8. E.4. ¶ In dette the parties demurred in iugement, and the opinion of the courte with the pleyntyfe, and the defendaunt prayed that the iudgement myght be respyted bn to such a day, & it was sayde by the courte that if he shewed a Protectiõ in the meane tyme, that it shal not be alowed.

M.11. H.4. ¶ A protection was sayde before (q; profecturus est) in the cõpany of T. the kynges sonne into Irelande, and it was purchased hangynge the writte wherefore it was alowed. For that, that it may not be sayde biage royall, without he bring the kynges host into Irelande.

H.8. E.4. ☞ But knowe ye, that after Moyle that a Protectyon of biage royall into Irelande, shall not be alowed. For they are within

within the iurisdyccyon of the realme.
Other wayes is of Scotlande, therfore enquyre what the lawe is. But after Lytelton a protection (Mutamoratur super talua[illegible] tuste) it shalbe alowed. The same lawe shalbe Mutatur in partibus walle, but the boke is not adiudged.

¶ In a formedone, a protection shal not be alowed, for the wardeyne of pyplous, whiche hath suffred men that be condemned to go at large. 3.7.H.4. Capi.4.

¶ A protectio shall not be alowed in a Scire facias vpon a trauerse of office taken before the Escheatour, or Commyssioners agaynst any patente. An.33. H.6. Capi.17.

¶ Knowe ye, that an infant, a woman couerte, may seiue a protection. H.12. E.3.

¶ Knowe, that it is sayde that pl'rs. of a comonalye are by protection, and in the seruyce of the kynge, the protection shall not be alowed for them all onely. For pl'rs. of the comynalye be in seruice of the kynge, notwithstandyng that there be Mayre and comynalye, yet the comynalye abydeth at home. H 5. E.3.

¶ Knowe ye, that the defendaunt (whyle the went to imparle) was demaunded to come with his answere a protection was put before: Dr protectus est, whiche was of elder date then was the imperlaunce, and notwithstandynge it was alowed E.39. E.3.

Otherwayes shulde be yᵗ the protectyon had ben: Quia injuratur in obsequio.

M.3. E.3. ¶ I know yᵉ that yᶤ there be more in ꝑ protectyon, then in the writte, the protection shalbe allowed, but if there be lesse in the protectiō, thē in ꝑ writ it is not alowable

E.19. E.3. ¶ In apeale of Mayme a protectiō was shewed for the defendant, and notwithstādynge that the pleyntyffe recouered nothynge but damages, in this suite the protection was disalowed.

Protectio cum clausula nolumus is such.

¶ Protectio cum clausula nolumus

REx omnibus ballivis ac. vtlu. salutē. Sciatis, ꝙ suscepim⁹ in protectōnēm dilectū nobis in Christo ꝓjorem de M. quōd terras res reddit⁹ et omnes possessiones suas. Et ideo vobis mandamus ꝙ ipm ꝓjorē terras res reddit⁹ et omnes possessiones suas manu teneatis protegat defendat nos inferentes ei vel inferri ꝙ mittentes injuriam aut gravamē, et si quē eis fortis factum fuerit in ei⁹ fine delatione facatis emendari. Nolumus enī, ꝙ de bladis, fenis, tauris, carragiis, bouis vaccis, vel porcis, pullis aut aliis animalibus virtualibus sine licencia nr̄a et catallis ipsius ꝓjoris contra voluntatē suā ad opus nr̄m aut aliorū ꝑ ballivos seu ministros aut alteri⁹ cujuscunq; aliquā capiat, teste.

THis writ of protectiō (cū clausula nolumus) lyeth in case where a mā is in dout that the ministers of the kyng, or of any other, will take his corne hay, horse, cart, or such like. And know yᵉ ꝙ this protectiō may be granted by euery mayster

mayster of the Chauncery without prive seale.

☞ A writte of right (De advocatione ecclesie.

REX A. salutem. Precipimus tibi, q̄ plenum rectū teneas W. de. L. de advocatiōe ecclesie de N. quam clamat pertinere ad liberū tenementum suum, q̄ de te tenet in L. per liberum servicium unius denarii per annum p̄o omni servitio, quā J. de W. ei defor̄, vt dicit. Et nisi feceris vicecomes. &c. ne amplius. &c. recti testi. &c.

A writte of ryght de advocatione ecclesie is such

¶ Another writ that lyeth in the common banke.

¶ Rex vic̄ N. salutē precipe A q̄ iuste. &c. reddat D. advoc̄ ecclesie de N. quam ei iniuste defor̄ vt dic̄ Et nisi fec̄ predict⁹ D. fec̄ te. &c. tunc sum. &c predict⁹ A. q̄ sit coram Justic̄ nr̄i apud w. vtlz.

THys writte of De advocatione ecclesie lyeth where a mā hath ryghte to aduowson, and the person of the churche dyeth and a straūger doth p̄sent his clerke to that church, & he which hath right hath not moued his actyō of Quare impedit, no; Darreyne p̄sentment, with in the. bi. monethes, but dothe suffer the straunger to vsurpe vpon him, thē he shal not haue any other writ then a writte of ryght of aduowson. And this writte he shal not haue (if he clayme not the aduowson to hym and to his heyres in fee) And also he may haue a writte of ryght of aduowson of the halfe, the thyrde parte, or the fourth part, aswel as of the whole (yt

he be deforced) And knowe ye that a writ of ryght (quod reddat aduocationem decimarum) is not graūted by the statute of Westm. 2. Cap. 5. which begynneth. Cum aduocatione ecclesiarū. &c. which wil that yf the person of any churche by a writ of Indicauit be disturbed to demaunde his dismes his patrone shall haue a writte of ryght of aduowson to demaunde the same dismes. But the writ of Indicauit, lyeth of no lesse parcel, then of the fourth parte of the churche, therfore no more doth this writte, but yet after some men the writ lyeth of lesse parcel at the comō lawe. And the proces in this writ is, Somōs, graūd Cape, & petit Cape, after apparaunce. And the proces agaynst the Iure is the cōmon proces, Venire facias, Habeas corpora, & distr. And knowe ye, if a man holde of the kynge a maner by graunde sergeantye, or by petyte sergeantie, vnto the whiche maner one aduowson is belongynge, and he doth sell, or graunt, the aduowson is dysmēbrauncē of the seygnory, the kyng shal present to the fyrst aduoydaunce after. &c.

Proces.

¶ Addition.

Pa. 2. E. 3. ¶ Iknow ye that a writte of ryght of aduouson, brought by the king, ꝑ defendant shal not profer ꝑ halfe marke ne iugemēt final, shal not be gyuen against the kyng.

¶ And knowe ye that a writ of ryght of aduouson

aduowson, the tenaunte dothe ioyne the myse, and dayes gyuen to hym vnto the feaste of the Purypycacyon of oure blessed Lady, at which daye he commeth not, but cõmeth at the thyrde day after. Iugement fynal was gyuen vpon the defaute. Item North.

☞ But if the tenaunt in a wrpt of right of aduowson do knowledge the ryghte of the demaundaunt, iudgemente shalbe gyuen, þ he shal recouer the aduowson. And iudgement fynal shal not be giuẽ, for that that the myse was not ioyned. M.33. E.3.

☞ A release of the pleyntyffe selfe, or of an other ancester (by whõ þ discent is not made) is a good barre, without ioynyng þ myse. And iudgement fynal shalbe gyuẽ. M.17. E.3.

☞ A wrytte, De assisa ultime presentationis.

Rex vic̃ Wigorn̄ salutẽ si J. fecerit te securũ &c. tunc sum̃. &c. duodec̃ liberos & legales homines de viciñ de B. quor sint nomina Iustic̃. &c. quod sint coram Iustic̃. &c. parat̃ sacro recognoscere quis aduocat̃ tempore vacacionis presentauit vltimã personam, que mortua est ad ecclesiam de C. vel vltimũ vicarium, q̃ mortuus est aduocationem idem J. dicit ad se pertinere et interim ecclesiam illam vidrant, et nomina eorũ in bri fac. Sum̃ B. qui aduocationẽ illam ei debet quod sint ibi audiendi illam recognitionẽ et habeas ibi sum̃, et hoc breue teste. &c. J wrpt. De assisa ultime presentationis is such

THys wrpt of (Assisa ultime presentationis) lyethe where J or myne auncester hath presented our clerke

to a churche and after our clerke dyeth, ſo that the churche is voide, and a ſtraunger doth preſent his clerke to the ſame church and doth diſturbe me. Then I ſhall haue this writ, or a Quare impedit at my pleaſure. But the aſſyſe is more better, For in Aſſiſe I clayme of my proper poſſeſſion, or of the poſſeſſion of mine auncеſtor. But in the Quare impedit aſwel the diſtourbour, as I clayme the poſſeſſion and ryght. And knowe ye, that where a man may haue aſſyſe of darreyne preſentmēt, he may haue a Quare impedit, but not the contrarye.

Proces. And the proces is ſuch, Somons reſomōs agaynſt the partie, & againſt the Jurours Somōs, habeas corpora. et diſtri. &c. And knowe ye, that in aſſiſe of darreyne preſentment. & Quare impedit, a man ſhal recouer damages, yf. vi. monethes be paſte before his recouer, he ſhal recouer the value of the churche by two yeres. And yf the recouer before the. vi. monethes be paſt, that he ſhall recouer damages, that is to ſaye, the halfe of the churche for one yere. And that wyl the ſtatute of Weſtm. 2. Capi. 5. which begynneth (Et de aduocationibus eccleſiarū) and in the ſayd eſtatute, are ordeyned. iii. writtes originalles of aduowſons of churches, that is to ſaye, a writte of ryght of aduowſon (whiche ſhalbe determyned by bataylle, or graunde aſſyſe)

A writ

A wryt of darreyn presentmēt, & a Quare impedit, which are of the possessyon. And yf any man whiche hathe no ryght to aduowson do present his clerke in the tyme that the aduowson was to any gardeyne by reason of any infaunte, or in tyme of tenaunte in dower, or by the curtesye, for terme of lyfe, for yeres, or in tayle, yet the statute wyl, that when the church falleth voyde, and they in the reuercion after the death of ỳ sayd tenantes, or gardeyn be disturbed, they shall haue theyr recouery by Assyse of darreine presentment. yf the sayd aduowson be recouered agaynste the forsayd tenauntes & gardeyne, by iudgement or inquisiciō, notwithstanding that the said tenantes, and gardeyn hath faintly defended theyr plee, but the iudgemente shal stande in his force, vntyl suche tyme that it be annulled by iudgement in ỳ kinges court by Errour, Attaynt, or by Certyficatiō, as the sayde statute wyl. &c.

☞ Addicion.

¶ Knowe ye, ỳ in these cases, a man shall haue assise of darreyne presentmēt though that he, nor his auncestours had not ỳ laste presentment. As if I present and after the church falleth voyde, and the byshop doth present by laps (ordinary) I shal haue this writ, & if my gardeyne do presente, I shal haue an Assyse of Darreyne presentment. Pa.20. E.3.et M.6. E.2.

Knowe

F.N.B. 18. E. 3. ¶ Knowe ye, that if the presentee do resigne yet the writ shal say, qui mortuus est.

¶ Knowe ye that the plentife made this tytle, that he him selfe was seised and presented. &c. and the writ was. Et sum̃ B. q̃ aduocationẽ illã ei deforceat. And ỹ writ was chalenged, and not allowed for that that it is the forme of the Chauncery.

☞ A writ of Quare impedit.

A writte of Quaare impedit is such

REX vic̃ Wido̓ salutem. Precipe A et B. q̃ iuste &c. permittãt C. presẽtare idoneã personã ad ecclesiã de N. que vacat, et ad suã spectat donationem vt dicit et vnde queritꝰ q̃ predicti A. et B. eũ iniuste impediũt et nisi fecerit. &c et tunc sum̃ &c. predict̃ A et B. q̃ sint coram Justic̃ &c. tali die ostens̃ quare non fecerint. &c. Et habeas ibi sum̃, et hoc breue &c.

THys writ of Quare impedit lyeth wher a mã hath purchased a maner to the which maner one aduowson is belongyng, the person dyeth, a straunger doth presente his clerke, then he shall haue the sayd writ, and not assyse of darreyne presentment. And the proces is in this writ, as in assyse of darreyn presentment. As is obteyned in ỹ statute of Marl. Capi. 12. Somons, Attachement, and one Distresse, and yf the partie defendaunte come not at the dystresse, then the pleyntyfe shal haue a writ̃ynge to the Bysshop of the place, that he may accepte his clerke to the sayd churche, sauynge to the defendaunt

Proces.

daunt another tyme his ryght (yf thereof he shal cõplayne) And knowe ye, that in Assyse of darreyne presentment, and in a writ of quare impedit dayes shalbe gyuen frõ. xb. to. xb. And frõ thre wekes vnto. iiii wekes, as the place is distant. And that wyl the statute aforesayde.

¶ Addicion. H.19. E.5.

¶ Knowe ye that yf a Quare impedit be brought agaynst the byshop and a straunger, and the byshop disclaimeth saue only as ordynary & the other sayth þ he is person in person of collacion of the byshop. In this case the writ shalbe awarded to the Metropolitane and not to the bishop.

¶ Knowe ye that a Quare impedit was brought agaynst a prior as patron, & one A. as Incombent, & hangynge the writte the patron dyed, yet the writ was maintenable, agaynst the Incombent alone. M.9. H.6.

¶ A writte of Me admittas. A writte of Me admittas is such.

Rex. &c. Venerabili in Christo patri eadem gracia Lincolnie episcopo salutẽ. Prohibimus vobis ne admittas personã ad ecclesiã de M. q̃ vacat (vt dicitur) et de cuius aduocatione cõtencio mota est in curia nra inter A. et B. donec discussum fuerit in eadem curia, ad quẽ eorum pertineat eiusdem ecclesie aduocatio, teste. &c.

This writte of Me admittas lyethe where one man impledeth another by a Quare impedit or by assyse of darrein presentment in the kynges courte

Then

Then yf the pleyntyfe suppose ꝑ the bysshop wyl presente the Clerke of the defendaunt (hangyng the plee betwyxt them of the sayde churche) he maye haue the sayde writ directed to the bysshop prohibytynge hym, that he presente no clerke to the sayd church before that it be discussed betwyxt them, who hath ryght to the sayd churche to presente. But yf they be in plee, and the presencion not discussed nor no recouerye within the .vi. monethes, then the bysshop shal presente by Laps, if the pleyntyfe recouer, he shal recouer damages. As is cõteined in the statute of West. 2. Ca. 5. And the processis one prohibicion, and vpõ the prohibicion attachemente, and a distresse. And knowe ye that yf the defendaunt (in a Quare impedit) come not at the distresse Then the pleintyfe shal haue a writte to the bysshop, that he shal accepte his clerke to the sayd church. Sauyng another time the ryght of the defendaunt. &c. and thys writ shalbe Judicial. And is suche.

Processe.

REx. &c. venerabili viro. salutẽ sciatis ꝙ cũ B. in cur̃ nr̃a. &c. recuperauit presentacionẽ suam versus C. ad ecclesiam de M. que vacat per defaltam ipsius C. Et ideo vobis mandamus, ꝙ non obstante reclamatur predicti C. ad presentac̃ predicti B. ad ecclesiam idoneam personam admittatis teste. &c.

¶ A writte de Quare non admisit.

Rey

REx vic. ꝛc. salutem Si A. fecerit te securū de clam. ꝛc. tunc sum. ꝛc. B. Lincolñ ep'm quod cum idem A. in curia nostra coram p̄fat Justic nostris recuperasset versus C. p̄sentac ecclesiam de J. per recogn c̄ assis vltime p̄sentac ibi inter eos captam, propter q̄ mandamus eidem epō, q̄ non ostant reclamatione p̄dicti C. ad p̄sentac ipsius A. ad eccliā p̄dictam idonā personā admitteret tō ēps W. clericum p̄dicti A. q̄ p̄sentatum ad eccliā p̄dictā admittere recusauit in nostri ac mandatorum nostrorū contemptū et contrid. ē cui nostre p̄dicte lesionem manifestā et habeas ibi sum et hoc breue teste. ꝛc.

THis wryt lyeth where a man hathe recouered one aduowsō of a church and he doth sende his able clerke to the byshop for to be presented to the sayde churche, & the byshop wil not receyue him then he whiche hath recouered shall haue the sayd wryt. And this writ is a wryt of Contempte and al tymes is Judicial and goeth out of the rolles of the Justices, but in tyme of vacacion whē the court sitteth not, then it shalbe made in the Chaūcery. And the proces is Attachemente, and dystresse. And a Quare non admisit pro rege hath ben made and enseled by some men without makynge mencyon of anye recouery before made. And yet it is by the prerogatyue of the kynge. Proces.

¶ Addition. In.38. p.6.

¶ Knowe ye, y this wryt shalbe brought

in

in the courte where the refusel was made for that, that he shal recouer nothing but damages and not the presentment, otherwyse the wryt shal abate. But a Quare impedit shall be brought in the countye where the church is: for that, that he shal recouer the presentment, and that is the diuersitie. And if the byshop admyt him and make letters to the archedeacon to induct hym, the byshop is excused thoughe that the archedeacon refused to inducte hym. And he is put to sue agaynst the archedeacon in the court Chrystyan, for that is a thynge spirituall. And it is a good plee for the byshop to say that he hym admytted, & made letters to the archdeacon for to induct hi without sayeng ỳ he him inducted

M.13. E.5. ¶ And yf the wrytte, to admyt his clerke be directed to the bycare generall and he refuse, yet the Quare non admisit shalbe brought agaynst the byshop.

M.31. E.3. ¶ The byshop refused to receyue a clerke and dyed, by whiche one prayed a wrytte agaynst the archbyshop of Caunterburye gardeyne of the spiritualties, and to hym was denyed. But a wryt was graunted to him against ỳ gardein of ỳ spiritualtes but not against the archebyshop, for ỳ, that the fyrst wryt was not directed to hym.

☞ A wrytte of Quare incumbrauit.

Rey

A writte of quare incūbrauit ꝯ ſuch.

Rex vic̄ .A. ſalutē. Qi .A. ketenit te ſecūt. re tūc ſum. ꝛc. B. Lincolē epiſcopū, q̄ ſit coꝝ Juſtic̄. ꝛc. oſtenſurum quare cum idem .A. ca ria noſtra coram p̄fatis Juſtic̄ noſtris recupe raſſet p̄ſētationē ſuam ad eccleſiā de .J. per aſſi ſam vel recognitionē vltime p̄ſētationis inter inter eos capē idem tūc epiſcopus pendente plito in p̄fata curia noſtra coꝝ Juſtic̄ noſtris ſuper captiōe vltime p̄ſentationis p̄dicte, eccleſiam p̄dictā incumbrauit in iplius .A. p̄iudiciū non modicū et grauamē et contra legem et conſuetudi nem regni noſtri. Et habeas. ꝛc. teſte. ꝛc.

This writ lyeth where there is two pledyng for the aduowſon of a chur che, and hangynge the plee the by ſhop preſent one of his clerkes within the vi. monethes to the ſayde churche, then he that hath recouered ſhal haue this writ a gaynſt the byſhop. And know ye that this writ lyeth not but hangyng, the plee, for yf it be oute of the plee, and I ſende my clerke to the byſhop for to be of hym ac cepted. And he him refuſe, and preſent one of his owne clerkes, then I ſhall haue a Quare impedit, or Darreyne preſentment as my caſe lyeth, and not the Quare incū brauit. And the Proces is, Somons, at a chement, and dyſtreſſe, And know ye that when a Quare impedit, or aſſyſe of dar reyne preſentmēt is brought agaynſt the byſhop, as diſtourboure of aduowſon of a churche, the byſhop may preſēt bycauſe of Laps after ỹ terme of, vi. monethes vnto

the ple determyned betwyxt hym and the pleyntyfe.

Addicion.

M.31. E.3. M.18. E.3. ¶ Knowe ye ỹ after the sayenge of Stoke that a quare incumbrauit lyethe not, but where a Mon admyttas is dyrected to the bysshop hangyng the wrytt.

M.17. E.3. ¶ And note ỹ this wrytte shalbe brought alwayes in the comõ banke, for that, ỹ it is a comon plee. In a Quare incumbrauit it is no ple to say, ỹ ther is no such recorde here, nor it is no ple to say ỹ the recorde is sued into ỹ kinges bench & errour assigned.

T.21. E.3. ¶ Knowe ye that a Quare incumbrauit shalbe awarded agaynst ỹ bysshop where he incumbreth within the tyme of .vi. monethes notwithstandynge that no action was purchased before.

☞ A wrytte of Prohibition.

A wrytte of Prohibicion is such.

REx archiepiscopo Cãtuk, et eius cõmiss. salutẽ. Prohibimus vobis ne teneatis plitũ in curia Christianitatis de catallis vel debitis vnũ .L. quercẽ ỹ .E. trahit cũ in plitũ in cur Christianitatis corã vobis nisi catalla vel debita sint de matrimonio vel de testamẽto, quia placita de catallis et debitis q̃ nõ sũt de testamẽto vel de matrimonio spectãt ad coronã & dignitatẽ nostrã tcste. rc. Eodem modo fiat alia prohibicio parti ne se quatur mutatis mutandis.

REx rc. venerabili i xpo. rc. vel ei⁹ offic, ac corũ cõmissar salutẽ. Prohibimus vobis. de aduocacione eccles. de .M. vel medietatis vel tertie ptis, et vnde .G. et .G. vxor ei⁹ quere ỹ .T. episcopo de .L. trahit cos

cos in pūcto cozā vobis in curia cristianitatis q̄ placita de aduoc̄ ecclesiarū spectant ad cozonē ꝛc.

THis wzytte lyeth where a man is impleded in court Cristian of thynges, whiche touchethe no maner of matrimony, noz testamēt. But such thinges, whiche toucheth the crowne of oure soucraygne Lozde the kynge, as Dette, Trespas, oz of any such lyke which shalde pleaded in the kynges court, then he maye haue the sayde wzytte dyzected to the ozdynaryes, and offycers, oz cōmyssyoners of the sayde court Cristiane, thē cōmaundynge to cease theyz ple. And also knowe ye that he may haue alwel a pzohibycyon to the shyzisse, that the partie shal not pursue, as to the officiales oz cōmissares. And the pzoces is in this wzytte, the pzohibicion. And yf the partie sue fozthe the plee in court christiane notwithstandynge the pzohibicion. Then shal go out of the Chancery one attachement. And this attachement is retournable (yf he cease not) then shall go the dystresse. Pzoces.

¶ Addicion. Ju. 13. H. 6.

☞ Note out of what courte a man shall haue a pzohibicyon, & attachemente vpon a pzohibicion. In a wzytte of Trespasse bzought in the comon place, the partyes beynge at issue, and hangynge that, the pleyntyfe sueth in court Chzistian, the de-

fendaunte shall haue a prohibicion out of the same place.

C.12. E.4. ¶ In a quare impedit brought by the king agaynste the person of T. for that that he him disturbed to present to the bycarage of the same churche, and before that writ was returned, the person hath sued a Sicfacion against the present of the king, and he prayed a prohibicio: And to him it was graũted by the Justices of the comõ place

C.11. H.4. ¶ If a mã make an othe to enfeffe me of his landes yf I sue him in court Christiã: Pro lesione fidei, he shall haue a prohibitiõ agaynst the partie and the iudges also And if a man & his wyfe do sel land (whiche is of the ryght of the wyfe) & the wyfe is sworne that she shall not sue nor Cui in vita. And after the death of her husbande she bryngeth her Cui in vita: & the other sueth her in court Christiane, Pro lesione fidei: she shall haue a prohibicion.

.M22. E.4. ¶ Knowe ye that if a mã be sued in court Cristiane, of couenaunte broken without especyalte, or executours are sued, for a symple contracte made by theyr testatour A prohibitiõ shalbe awarded, and yet the pleyntyf hath no remedy by the comõ law

.H6. H.6. ¶ Knowe ye if the baylyffe in court barõ holde ple aboue. xl.s. the defendaunt may haue a prohibicyon: yf one sweare vppon a boke to paye certayne money, at a certayne

tayne day, and at the day he payeth not ꝑ money, and the other sueth hym in courte Christiane. Pro lesione fidei, he shall haue a prohibicion. &c.

¶ A wrytte of indicauit.

Rex iudici tali, et eius offic̃ vel eius cõmissarie salutẽ, indicauit nobis A. cũ B. teneat ecclesiã de C. de aduocatiõe sua w. clericus clamans quartẽ partẽ eiusdẽ ecclesie de ad nos & R. trahit eum inde in plitũ cozã vobis in cur̃ christianitatis qz vero manifestũ est ꝙ predictus A. iacturã sue aduocat̃ incurret, si predictus M. in placito illo cãm illã optineret, vobis prohibemꝰ ne plitũ illud teneatis in curia christianitatis, donec discussum fuerit in curia nostra ad quem illozũ per teneat eiusdẽ ecclesie vel capelle aduocat̃ quia placita de aduocatione ecclesiarũ spectant ad coronã et dignitatẽ nostram. teste. &c.

A wrytte of Indicauit is such.

THis wrytte lyethe where a debate is betwyxt .ii. clerkes in court christiane: of a churche, oz of parte of a churche, oz for dysmes, whiche amounteth at the lest to the value of the fourthe parte of a churche, oz to a greater parte as the seconde parte, oz thirde part the̅ for that, that the patron of the clerke defendant shall lose his aduouson (if the clerke of the pleyntyfe recouer in Courte Christiane) and the pleynte of the aduouson of the dysmes which amounteth at the lest to the fourth parte of the value of ꝑ churche belongeth to the courte of the kynge, & may not be gayned ne lost in court Christiane

an, for that cause the patron of the clerke defendaunt shall haue in the Chauncery ỹ sayde writte of Indicauit, directe to the clerke of the pleyntyfe, or to the officers of the court Christiane, cõmaũdyng thẽ to cease theyr plee and pursut vnto that it be dyscussed in the kynges court to whõ the aduowson belongeth. And knowe ye that the statut of West. 2. Ca. 5, which begynneth Cũ de aduocationibus ecclesiarũ. &c. in the ende of the sayde statute is resyted: that yf the patron of the clerke pleyntyfe be suche maner disturbed he shall haue a writte of ryght De aduocatione decimarũ. And when the aduowson is discussed in the kynges court, thẽ the plee shall procede in the court Christiane. And the proces is, as in a prohibicion: for it is a prohibicion in it selfe. And knowe ye that a writ of Indicauit shalbe betwyxt foure persõs two shalbe patrons, and two shalbe clerkes: whereof the one clerke claymethe to holde the churche, or part of the churche of the aduowson of one patrõ, and the other clerke of the aduowson of the other patrõ and yf the dysmys of the aduowson be demaunded in court Christiane: & the dysmes be not to the value of the fourth parte of the church, then the prohibicion shal haue no place. And knowe that this writ is not retournable, but if they cease not in theyr

Proces.

pursute

putsute he shal hane one attachment, and after the atrachmēt rerourned, the distres shal go out of the rolles of the Justices.

Addicion.

I Knowe ye that yf an abbot be person, in person of the Churche of Dale, and he demaūdeth the fourth part of the dysmes agaynst one A. person of the same church which is in, of the p̄sēntmēt of a straūger In this case the person of his patron shal haue the Indicauit. And yet they are but thre persōs in al. And if a man hath iugement to recouer dysmes amoūtyng to the valure of the fourth part, and sentence diffynitiue is giuen, and the defendaunt appeleth to the byshops courte by the which the byshop dothe sende a delegacy to certeine persōs, and they make subdelegacy. In this case the partie shall haue the Indicauit to the Judges subdelegacy. W.12. E.4.

☞ Knowe ye that before the Lybell be put in, in court Cristian, he shall not haue the Indicauit, and it behoueth hym that wyl haue the Indicauit to shewe the lybel to the Chaunceller. Pa.32. H.6.

☞ A wrytte of Consultacyon.

REx Judici tali salutē. Er pte w. de H. persone ecclesie de S. nobis est ostēsū, qō cum ipse nuper petierit cōzā vobis in curia cristianitatis versus J de C. de J. executozes testi B. defuncti secundum melius quertū, quod fuit A wrytte of Consultacyon is such.

eiusdē B. nup̄ gochlanū dicte ecclesie dekēt nos
moztuāt dicte ecclesie debit, ac p̄tāt execut̄ pce ſſū
p̄liti p̄dict̄ cozā vobis inchoati fraudulēter ma
chinātes impedire asserētes q̄ placitū illō in curis
cristianitatis de catallis et debitis, q̄ nō ſūt de te
tamēto vel matrimonio quādā p̄hibitionē nostrā
ne placitū vobis dirigi p̄ cuz cuius p̄hibitiōis p̄
textu i causa illa hucusq̄ p̄cedere distulistis et ad
huc defertis in ipsius w. et ecclesie p̄dicte graue p̄
iuditiū et in habūdationis periculū manifestū, et
quia in articulis p̄fatis p̄latis et clerō nostris
per nos nuper concessis plenius cōtinetur, q̄ inde
cimis, oblationibus moztuāt, q̄ sub istis nomini
bus p̄ponūtur p̄hibicione nostre nō est locus vo
bis significamus, q̄ i causa p̄dicta si vero de moz
tuāt agatur (vt p̄dictū est) tunc nō obstāte p̄hi
bitione nra vlterius facere poteritis, q̄ scōm coz
mā ecclesiasticam coze videritis faciendū, teste rc.

AND this writ lyeth in case where a man is impleded in courte Cristiane, of thynges whiche toucheth testament, or matrimony, & the defendant doth purchase a prohibition in the Chauncery, dyrected to the ordinaries, cōmaundyng them to cease of theyr plee and pursute, by force of whiche prohibicion, the plee is extynguysshed, thē the pleintife shal come into the chauncery, shewyng the copy of theyr plee conteyned in his byl to the Chaūceller, and then he shal haue the said writ dyrected to the ordynary beforesaid cōmaunding thē to pursue forth in the plee notwithstandyng the prohibicion before to thē dyrected. And knowe ye that a Cō-

sultacion

sultacio lyeth euer for the pleyntyfe, that fyrst moueth the ple in court Christiane.

¶ A wrytte of vi laica remouenda.

A wrytte of vi laica remouenda, is such.

Rex vic̃ salutẽ. Precipimus tibi q̃ vi laicã et armatã q̃ B. tenet i prebenda A. de C. in ecclesia de C. ad pacẽ nostrã q̃turbẽdã sine dilatione amoueas ab eaõ, et si ꝯs tibi resistẽtes inueneris tũc allũpt̃ tecũ sufficiẽt̃ posse com tat si necesse fuerit, et eos p corpora sua attach. et in pri sona nostra saluo custodi, ita q̃ habeas corã nobis. xt. vbicũq; &c. ad respond nobis de cõtẽptu, et; recessima sup dictis. Et habeas ibi hoc breue test. &c

THys wrytte lyeth where debate is be twyxt two persons for a churche & the one doth entre into the churche with great power of lay men, & doth holde the other out with force: then he that is holden out shal haue a wrytte dyrected to the shyryfe, þ he remoue the greate power of lay men (whiche is within the churche) and it shalbe cõmaunded to the shyryffe, þ yf he fynde any men makyng resystence, þ he shall take with hym the power and ayd of his counte. And al they that dyd resyst, shalbe attached by theyr bodyes, and put thẽ into pryson vntyll they come before þ kynge at a certayne daye, to answere of þ contempt. And this wrytte is retournable, and shall not be graũted before that þ byshop of suche a place, or suche a churche hath certyfyed in the Chauncerye by his wrytte of such resistence. &c.

¶ A wrytte of excõmunicato capiendo.

A wrytte of excõmunicato capiendo is such.

Rex vic̃ salutẽ. Significauit nobis J. venerabilis pater L. epꝰ per litteras suas patẽtes, q̃ R. propter manifestã contumatiã suam excommunicatus est, nec vult per censurã ecclesiasticã iustificari, quia vera potestas regia sacro sancte ecclesie in querelis eius de esse non debet tibi precipimus q̃ predictum R. per corpus suũ secundum consuetudinem Anglie Justic̃ donec sancte ecclesie tam de contemptu quam ei iniuria illata ad eo fuerit satisfactum, teste. &c.

This wrytte lyeth where a man is excommenged by the bysshop, and if he wyll not be iustified by his ordynary. Then the bysshop shal sende his letter patent to the Chaunceller reherlynge the excõmengement. And then shalbe cõmaũded (to the shyrryfe of the same countie) to take the body of him that is cursed: & by his body he shalbe chastised vntyl he submyt him selfe to the order of holy churche for the contempt and wrong by him done. And this wrytte is a Justicies. And yf the shyrryfe wyl not make executiõ of the sayd wrytte, then shall go out a Sicut alias, & Pluries, and after attachemente, as in a Repleuin. And knowe ye, that yf he that is excõmenged hath made agremente, aswell for the wronge as for the contempte made to holy churche. Then the bysshop shall sende his wrytte to the kynge, certifyenge by the same wrytte that he hathe made agrement with holy churche for the

contempte. Then shalbe cõmaunded to the shyrysse of the same countie by a wryt De excõmunicato deliberando: that he shall delyuer that same man) which is in suche maner imprisoned. &c.

¶ Addicion.

¶ Knowe ye þ a certificat made by these persons of any excõmengement) is of no valure. Jf þ byshop certifie excõmẽngmẽt by his letters, it is nothyng to þ purpose. In.30. E.3. Li.all.

¶ The same lawe is, yf the cõmyssary of the byshop certifye excõmengement, but yf it be certyfyed by the archedeacon of Rychemonde or by the Deane and chapitour of Caũterbury, in tyme of bacacyon it shalbe allowed. T.7. E.4. Pa.20.

¶ But yf the Deane of saynt Martyns, or abbotte of saynt Albons, or other lyke whiche are persons exempt of euery ordinary iurisdiction, certify excõmengement it is nothing to þ purpose, nor of no value E.3. M.12. E.4. H.33.

¶ The same lawe is, yf a byshop, certifye excõmengemẽt made by an other byshop. E.3. H.6.

¶ And yf the byshop be dead (before that the letter of the certification be shewed) it is boyde. E.3.

¶ The baylyffes and communaltye of C. brought a wrytte of rescusse. &c. & shewed all the matter (as appereth in the case) &c. And þ defendant sayd, that at the tyme of the wrytte purchased, one J. and W. was Item. cãt. M.30. E.3.

baylyffes

baylyffes, and sayde that they were excõmenged, and shewed the letter of the bysshop testyfyenge the same, & for that, that the wrytte is taken by the baylyffes & comunalty without nampynge any persone by proper name, and the letter of the bysshop proueth not for what cause ỹ pleyntyfe nor any of them are excõmenged .&c. the defendaunt was awarged to answere ouer. &c.

I.7. W.2. ☞ In Trespas the defendant sayd ỹ the pleyntyfe shal not be answered for that, ỹ he is excommenged. And shewed the letter of the byshop of N. testyfyenge the same

Quere. whiche was red. &c. Quere (yf he haue a letter of absolution) yf this wrytte shall abate or no, it is sayde that it shall not abate. But the iudgement shalbe that the defendant shal go to god and the pleyntife shal not be amerced, but of byllawry otherwyse is, as it is thought: for there the wrytte shall abate.

W.1. C.1. ☞ Assyse brought by a Wardeyne of an hospytal, agaynst the archebyshop of C. and W.P. & they alleged ỹ the pleyntyfe is excõmenged, and shewed a letter of the same archebyshop (which proueth that he is excommenged) at the instaunce of W.P and for that, that W.P. and the archebysshop are parties to the assyse, they were charged to answere ouer.

A wrytte

¶ A wryt of excõmunicato deliberãdo.

A wrytte of excõmunicato deliberando, is such.

REx venerabili. &c. episcopo salutẽ. Quẽdã ex parte W. q̃ cũ ad denunc̃ vestrã ipsũ per vic̃ nostrũ A. tãq̃ excomunicatũ clamos ecclesie contempnẽret, d, precipimus Justic̃ Et eidem in sub cautione idoneũ absolutionis de nekitiũ J. petierit vos ipsũ cõtra iusticiã ad hoc admittere recusatis. Et ideo vobis mandamus, q̃ ipsũ W. cũ cautione huiusmodi absoluatis aliquã q̃ nostrũ est in hac pte exequmur: teste. &c. Alĩ

REx vic̃ salutẽ cũ A. de B. quẽ ad denũciationẽ episcopi venerabilis. &c. tanq̃ excõmunicatũ q̃ corpus suũ secũdũ cõsuetudinẽ Anglie pte iustificari, precipimus, donec sante ecclesie tam de cõtemptu q̃ de iniuria et illato ab eo esse satisfac̃ et iam ab episcopo ipso absolutionis beneficium in forma iuris meruerit optinere, sicut idẽ episcopus per litteras suas patentes nobis significauit. Tibi precipimus, q̃ ipsũ A. a prisona, quã detinetur, si ea occasione et non alia detineatur in eadem sine delatione deliberari facere: teste. &c.

THis wrytte is, as a Justices, & yf the shyryfe make not execution of this wryt, he shal haue Sicut alias and Pluries. And knowe ye that when a man hath cõtynued in sentence by. xl. days and the byshop hath sente his wryt to the kynges court ỳ he wyll not be reconciled by the ordre of holye churche, the kynge shall sende to the shyryfe ỳ he be taken, & put in pryson but yl such tyme, as he wyl be obedyente agayne to the lawe of holye church. But yf he excõmenge (after ỳ he be in pryson) suffre sufficient payne, to be

vnder

vnder the tuition of holye churche, yf the bysshop refuse suche satisfaction, he shall haue thy wryt to be deliuered out of yson.

A wrytte of Juris vtrū is suche.

☞ A wrytte of Juris vtrum.

Rex vic̄ N. salutē. Si A. persona de B. vel sic: Si B. prior ecclesie beate Marie de L. persona ecclesie de B. fecer̄ te. pr. tūc suum. &c. xii. liberos, &c. de visū de C. q̄lit cogn̄ Justic̄ nr̄is ad p̄m all &c. vel cogn̄ iustic̄ nr̄is apd̄ w. tali die q̄ti sacro recogn̄ vtrū vnū messu. cū pt̄in in C. sit libera elemosina pt̄in ad eccl̄iā ipsi⁹ A. de B. vel ipsi⁹ p̄oris de B. aut laicū teodū J. vel sic vtrū sit libr̄ elemosina pt̄in ad eccl̄iā vel ad capellā aut. &c. interi messuagiū illd̄ videāt et nota eozū i bēiari fac̄, & cum q bonos suos p̄dictū J. d̄ messu illd̄ tenet q tūc sit ibi auditurū illam recogn̄. et habeas ibi sum̄, et hoc breue teste. &c.

THys wrytte lyeth, whan the ryght of any church is aliened and holden in laye fee, or translated in the possession of any other churche, and yf the alyenoure dye, than hys successoure shall haue the sayd wrytte. And knowe ye that no man which hath couent or couent seale may mayntayne this wrytte. But a wryt of entre: Sine assensu capituli, of the alyenacion made in tyme of his predecessour as appereth clerely by a ple in. An. 15. E. 3 where the gardeine of the Hospital of S. mayed in ayde, of the bysshoppe of S. and had no ayde, bycause that ꝑ hospytal hath couente seale. And knowe ye that no man may vse a wrytte of Vtrū, yf he be not na

med

med person. But now by the statute of Ethe thyrde, An. 14. Ca. 16. whiche begynneth. Item est asset et estable que vicaris Cardeynes del chapel, prouostes de Chaunceries ppetuelz purrõt vser cest bꝛe dutrũ dez terrez au tenemẽtes. &c. And also J. de B. Cardeyne of ꝓ holspytal of S. brought a wrytte of Wtrũ the same yere, and was mayntened though that the statute aforesayde maketh no mencyon of Cardeynes of holspytalles but ꝓ was meynteyned by cause it was in lyke case. And knowe ye ꝓ the statute of Westm. 2. Ca. 24. whiche begynneth. In quibus casib⁹ cõceditur bꝛe in Canc in which statute is cõteyned this clause. Eod. modo, sicut concedet bꝛe brtrũ aliquod tenementũ sit libera elimosina a licutus ecclesie, vel laicũ feodũ talie de cetra fiat bꝛe. &c. And this wrytte was not graunted, but there where the almes of any churche was translated into laye fee. Nowe it is ordeyned, in the forsayde statute of Westm. 2. that is shalbe graunted aswell there, where it is translated into the possession of any other church, as there where it is translated into lay fee. And the ꝓces. ꝓces is suche in this wrytte, Somons and resomons agayne the partie. And in assyse of Worcester, and against the Jurours, Somons, Habeas corpora, and dystresse. And in this wrytte shal

be

be gyuen the same dayes, as are gyuen in assyse of Darreyne presentment, & Quare impedit, As it apperethe by the statute of Marlebrydge. Capi. bicelimo secundo.

Addicion.

H.19. B.2. ¶ Knowe ye that a recouery in assyse agaynst the pleyntyfe selfe, is no barre: for that, þ this is his wryt of ryght, and the plee is not but the Jury, otherwyse is, yf he had sayd ouer, and the state of the pleintyfe meane.

C.7. H.4. ¶ If the tenant plede a recouery in a Cessauit, þ is no barre, for that, þ the right is to be tried, but he shal cõclude, & so lay fee.

Pa.8. E.3. ¶ Knowe ye þ if a man recouer in a wryt of ryght against a parsõ, in which plee he hath not prayed in ayde of his patron, in this case his successour shal haue a Juris vtrum: and the recouery in the wryt of ryght shall not barre hym.

M.3. E.3 ¶ In a Juris vtrũ brought by a persõ of a chapel, the wryt was mainteined for hym for that, þ he toke his title by presentmẽt and Institucion, as a parsõ of a churche.

☞ A wryt of waste.

A wryt of waste as such.

Rex vic̃ salutẽ. Si A. fecerit te, tũc sum. te ostẽsurũ quare cũ decõt cõsilio regni nostri Anglie prouisũ sit þ nõ liceat alicui vastũ vendicionẽ. seu distructionẽ facere de ẽris, domibus, boscis, seu gardinis sibi dimissis ad terminũ vite sue vel annorũ, tõ B. de domibus boscis & gardinis, vel sic de domib⁹, boscis & gardinis in M. que A. ei dimisit ad terminũ ãnorũ fecit vastũ

Mestra formā prouisionis predicte, et habeas &c. teste. &c. Quo modo fiat ad terminū vite vel regis Anglie, vel aliquo modo mutādum.

THys writ lyeth where tenaūt for terme of lyfe, or tenaunt in dower or tenaunt by the curtesye, or gardeyne in chiualry, or tenaūt for terme of yeres, maketh waste: he in the reuercion shall haue thys writ (where by the comō lawe they had but a prohibicion of waste) And thys writ is geuen by the statute of Westm. 2. Ca. 14. And in ỹ same statute: Proces is suche, somons, attachement, & distresse. And if the party come nat at the dystresse: than shalbe cōmaūded to ỹ shyryfe that he enquyre of the waste: & yf the waste be founde by the inquisicion of the enquest, it shalbe retourned, & the partye shall recouer treble damages, and the enquest shall gyue but single damages, and the court shal treble thē, and also he shall lose the place wasted. And that is gyuen by the statute of Glouc. Ca. 5. whych thus beginneth. Purueu est ensemt que si hōe &c. And also the same statute wyll, that if any gardeyne make waste he shal lose the warde, but yf the loosynge of the warde amount nat to as much in balure as the waste done, that ỹ infant at his ful age shal haue the sayd writ of waste & recouer his damages for the remnaunt. Also in case that the tenaunte for terme of lyfe (or of Proces.

ther persons lyues) make wast and let ouer his estat, than he in the reuert, shal haue thys wryt of wast agaynst hym to whom the tenaunt for terme of life, or of other persons lyues, let hys estate, & he shal answere of wast made in hys owne tyme, for he taketh the lande in such degree as it was in time that ꝑ lessee let his estate, but other wyse is in case ꝑ tenaūt in dower, or by ꝑ courtesy, let ouer their estates (and they to whō the tenemētes are letted) do make wast, he in the reuercion shal haue a wryte of wast agaynst those tenauntes in dower, or by the curtesy, & nat against the lesse, for none mai be called tenaūt in dower, or by the curtesy, but the same tenantes in dower or by the courtesy. And it is saide, ꝑ in case that tenaūt for terme of lyfe make wast and surrender his estate to him in the reuercion, and he doth accept it & manure the lande after, he shal neuer haue an accion of wast: for that he was not cōstrained by the law, to receyue or take ꝑ land The same lawe is of the other aforesayd tenaūtes. And knowe ye that yf land be letted to a woman soole, and she taketh a husband, and the husband maketh wast and dyeth, the wyfe shal answere of the wast, and lose the land, & pelde damages (yf the wast be found) for that, ꝑ it was

yes

her holy that she wolde take suche a husband ꝑ wold make wast. But otherwyse is where landes are letten to man & hys wyfe, for terme of theyr lyues & the husbande maketh wast and dyeth, the wyfe shal nat answer for the wast made after his death, for this was the holy of ꝑ lessour (whych letted the lande to the husbande and the wyfe) the which wife shal nat be charged of waste made in tyme of her husbande. And knowe ye ꝑ yf the tenaũt for terme of lyfe, be dissesed, & the dysseysour make wast & the tenaunte for terme of lyfe do recouer by assyse, & such matter founde, by the enquest, in a wryt of wast, he in the reuercyon shal recouer of the tenant for terme of like damages, for the tenãt for terme of lyfe recouered damages agaynst the dissesour hauing regard to the wast made. And if the gardeine make wast, than shalbe done as is cõteyned in Magna carta, ca. f. (Custos autẽ. &c. but there where the kynge selleth or gyueth the ward of lãdes or tenementes, of any infaunt within age, to any man of the same seignory, and ꝑ gardeyne maketh waste, the kyng wyl ꝑ he shall lose the warde, and shalbe giuen to two lawefull men, of the same seignory Also by the newe statutes of E. 3. An. 14 Cap. 12, al such landes (whych are in the

haude of the kynge, bycause of a warde) shalbe letten to the next frendes of the infaunt, to whom the herytage may not discende (yf they come hastily into the Chauncery) after the Diem clausit extremũ returned: and there offre to take the sayd landes, yeldynge to the kynge the value vntil the age of the sayd heyr as another man wyll yelde, wout fraude or deceyt & shal haue a cõmissyon to kepe the said lãdes and tenementes, by good & sufficient suerty, to answer to the kynge, of the valure of the ward by the accord of ỳ Chancelour & Treasorer, & the heyre shall haue an accyon of Waste agaynst them, whã he cõmeth at hys ful age. And also by the statute of E. 3. An. 36. Ca. if the Eschetour haue any suche warde, and doth answere the kynge of the yssues & maketh waste, ỳ heyre shal haue an act of Waste) aswell in in age, as of ful age) agaynst the eschetor and shal make syne at ỳ kynges wil. And the frendes of the infaunt (as long as he is within age) shall haue the sute, & there of answere to the sayd heyre of that, that so shalbe recouerd, when he commeth to hys ful age. And also in al cases wher the heyre within age may implede, hys next frendes shalbe receyued to pursue in hys name, as appereth by ỳ statut of Westm. 2. Ca. 15. And it is sayd, ỳ thoughe the heyre

be

he of ful age and in his lande, yet he shall haue (yf he wyll) a writ of waste agaynste him (yf was Gardeyne to him or agaynst him, to whō the Gardeyne let the warde) and after recouer damages. And knowe ye yᵗ yf the cheefe lorde entreth anye man of parcel of the same, yᵗ is in hys warde, the heyre shall haue Assise of Nouel disseysin mayntenable agaynst the Gardeyne & the tenant, And yᵗ Gardeyn shal lose yᵗ warde shippe of the same thyng recouered, and of al the remenant yᵗ he holdeth in the name of the heyre for al hys lyfe. And that wyl the statute of Westm. 1. Ca. 47. which begynneth thus. Si garden ou chiefe seignoure. &c. And knowe ye yᵗ a writ of waste shal nat be mayntened agaynst yᵗ tenaūt by Elegit, nor agaynst the tenant by statute marchant, or by the statute of yᵗ staple. But yf they make waste, he in the reuercyon shal haue a writ of accompt, and the sayd tenantes are accomptable after the dette or damages leuyed. And knowe ye agaynst tenaunt in mortgage, no writ of Waste nor Accompt is mayntenable by cause that he hath fee condicyonall. And knowe ye yᵗ by the statut of West. 2. Ca. 22 whych beginneth Cū duo vel plures, tenaūt bolcum. &c. that if woodes, turbarye, or fyshyng be holden in comon, of two or thre men, and the one of thē make

Waste, the other shal haue a writ of waste fourmed in this maner. Cū A. et B. tenet de dominico vel turbariam p̄dcīm ita, & fecit vastum, &c. And if the waste be soud it shalbe in the election of the defendant to take his parte by y assigned of the shyrife in the place wasted, or that he graut that he shal haue no thyng in suche woodes or turbary as it. wyl but as his partenors wyll take. And yf he wyll chose, to take his part in a place certayne, y place wasted shal be to hym assigned. And in case that he graunt in the court that he shall not take other by se tha hys companions shal, & after he maketh waste, his felowes shal bringe the shyre writte, & if he wyl take hys election, as he dyd in the fyrste writte, he shall not be reteyned for the nature geueth but one election, and that hath he had, for the whyche he these pleyntyfes shal recouer the place wasted. And this writte lyeth as wel betwixte them that holdeth for they? lyues, as betwixt them that holdeth ioyntly in fe, & as wel betwixt them that are in the tenemēt, by dyuers titles as by one title yf they take the profites in comen, and no man knowyng hys fee teal, As it appereth 38 Hen. vi. 3. fo. 1. whan any ought to haue recouers in any woodes, and y woodes be wasted and cutte downe, than he shall not

nat haue assise of nouel disseyssine, & that by statute of West. 2. Ca. 25. whych begynneth, Quia nō est aliquod breue quod &c. And if he be disseised of such Estouers and dieth: this heyre shal haue a Quod permittat de estouuerijs. And also if ỹ heyre be disturbed to haue esto. mayntenaunce after the death of hys father whereof he died seised, ỹ heyre shal haue a Quod permittat of Estouers in the place of assyse of mordauncester, the writ is suche.

Rex vic̄ salutē. Pr̄ A. q̄ iuste. &c. permittat B. habere rōnabile estouuariū suū in bosco vel in turbaria vt in bruer ipsius A. in C. q̄s in eo vt in ea habere debet et solet: vt dic̄ &c. Quod permittat de estouuerijs is suche.

¶ And also in case if ỹ heyre be disturbed as afore is sayd, the writ shal say q̄s permittat B. habere rōnabilem estouuariū suū, in bosco ipsius Tris in A. de quod C. pr̄ dict̄ B. cuius heres ipse est, obiit seisit in dñico suo vt de feodo. And know ye that executours, may nat maintene a writ of wast, but it shalbe mayntenable

Addicyon.

¶ It is sayd that a writ of wast lieth at the comon law against the whole estats are made by the law as agaynst the garcin of a warde, tenaut in dower and tenaunt by the courtesy, & for that in suche writs it needeth nat to rehersé ỹ statute. W. rii. y. iiii.

¶ If a man do manasse or threten anye blaines whych are regardant to a ma- T. ii. y. vi.

ner in another counte, thā wher the maner is (so that they are cloyned and gone away) the accion of wast shalbe brought in the cōtie where the maner is, & there shal the wast be tryed, for the wast is (all tymes) in the mash, but of tresspas (y aduenture) the lawe is otherwyse.

☞ In a writ of wast (of a house) it is a good plee to saye, y after the lease, the lessour made y house against the wyll of the lesse, iudgemēt. &c. And this is a good plee

☞ In wast the pleyntife supposeth the wast to be in diuers thynges, y is to saye in a graunge house, and cotage, and dyuers ples were pleded, as to the graunge and cotage, as appeareth in the case, & as to the house, he sayd that it was fehle at the tyme of the lese, &c. and the pleyntyfe sayde that you your selfe, by this dede indented, whyche here is graunted, to repayre and keepe vp the sayde house, in as good estate & better than they were, whā he them receyued, so is he bounde to repayre & kepe vp the house, &c. iudgement, yt he shalbe receyued, to say that y house fell for fehlenes, and it was iudged that thys dede indented, shall nat charge hym in thys accion of wast.

☞ A writte for Estrepament.

A writte of Estrepaint is suche.

REX &c̄ vic̄. salutē. Cū in statuto apud Gloucestr̄ edito inter cetera cōmeatū sit q̄d

re ad

re quo plītū motū fuerit in ciuitate Lōdoñ hꝺ
etnes nō habet poestatē faciendō vastū estre-
pamētū de rīs qđ est in vō a pēdente plito, ei
quod ordinatio t statū in aliis ciuitatibus et bur
gis et aliꝺ ꝓ totū regnū Anglie obseruēter ac
ū ex gīs querelis w. de T. acceptimus, qđ licet
plītū pēdeat coꝝ ballīis nostris ꝺc Sꝑ peru
sum hꝺ nostrū ꝺe recto inter A. pet et T. tenē-
tē de vita bouata terr ꝑtī ho ei cū pinum in
C. tu tamē vastū estrepamētū fecisti et in ꝺies
facere nō desistis pēdente plito ꝓdicto in ips-
us willī ꝺi pēdū nō modicū et grauā en, ac cō
tra formā statuti et ordinationis ꝓdictorum
plīto ꝓdicto pendente in ꝺi cussio teste, ꝛc.

THys writte is in maner a ꝓhibi-
cion & lyeth where a mā is emple-
ded by a Ꝑcipe ꝙ redd, of certain
landes or tenementes, and the demaun-
daunt (supposeth ꝓ the tenaūt wyl make
wast in the lādes or tenementes, hāgyng
the plee, thā he shal haue the sayd writ as
is conteyned in the statut of Glor. ca. 17.
whych begynneth thus: Quippeu est enor-
mitat quod del heuř. &c. And yf the plee be
moued in London, thā the demaundaunt
shal haue the sayd writte dyrected to the
Mayre and shyrykes, ꝓ they shal cause ꝓ
tenementes to be kept & ꝓ no wast be made
in them. In the same maner shalbe yf the
plee be moued afore the Justices, then the
demaundaunt shal haue this writ dyrec-
ted to the shyryke of ꝓ same cōūte, where
these tenementes are, to defend ꝓ tenaūt

that he make no wast hangyng the plee. And knowe ye that this writ lyeth yerly, when a man demaundeth any landes or tenements by a Fourmedon or writ of right where he shal recouer no damages but in case ꝑ he bring a writ, wherin he shal recouer damages, than he shal recouer damages hauing regard to the wast. And also in case that he hath recouered by iudgemẽt in the kings court, & the tenaunt after the iudgemẽt giuen, & afore that the demaundant be put in possessiõ by the shyrife by force of a writ (which is called Habere facias ſeiſinã) he maketh distruccion, than he shal haue attachemẽt agaynst the tenaunt, to be afore the Iustices at a certayne daye, to shew for what cause he made wast, & ther shalbe mẽtiõ made in the sayd writte of the recouery had before. And this writ shal go oute of the Rolles of the Iustices (yf it be nat in tyme of vacacion whan the Iustices are ryden) & than it shalbe made in the Chaũcery. And the proces is such attachement and distresse, and for default of distresse proces of the lawe.

proces.

¶ Addicion.

W. iii. v. vi.

☞ In Estrepament agaynst an infant, he prayed his age, & was put out for that that it is but in ꝑ nature of trespas. In the same plee it is sayd, that proces of the lawe

lawyr lyeth nat in thys accion.

¶ And yf a man recouer land, the which was lowen, & afore execucyon sued, the tenaunt hath reped the corne, & caryed it awaye: in thys case he þ recouered, shall nat haue a wryte of Estrepament, but an action of Trespas. v. xxviii. E. iii.

¶ A wryt of De homine replegiando.

Rex vic. N. salutē precipimus tibi q̄ iuste et sine dilac̄ repl' fac̄ A. quē B. cepit, et captū tenet, vt̄ sic quē tuipse cepisti & captū teneas vt̄ quē B. cepit, & tuipse capt̄ teneas (vt dr̄ ni si capt̄ fit p̄ speciale p̄ceptū nostrū vt̄ capt̄is Justic̄ nr̄i vt̄ p̄ morte hois vt̄ foresta fa, vel p̄ aliquo alio recto: quare: secundū consr. regni nostri Anglie nō sit replegiabilis. Ne āplius inde clam̄ auō pro defectu iusticie: teste. &c. A wryte de hoie replegiando is suche.

Thys wryt lyeth, wher a mās imprysoned, which is recepleuisable than he þ is in prison shal haue the sayd wryt dyrected to the shyrife, þ he replegyn hym which is in prysone (except he be in prison by especial cōmaundemēt of the kynge) or of the chiefe Justyce, or for the death of a man, or for the kynges forest, or for any other cause (wherof he shal nat be repleuisable) And know ye þ this wryt is a Justicies, & nat retournable, but if the shyrife make nat repleuyn by this wryt thā shal go Sicut alias vel causam nobis significes: & yet if he do it nat, or if he may nat do it, thā shal go out thā pluis vel causā nobis significes, whis-

the shalbe returned. And yf the shyryfe make nat yet repleuyn, thā shal there go out attachement agaynst the shyryfe, dyrected to the coroners of the same coūtye that they shal cause the shyryfe to be attached, and ouer þ, that they shal make execucion of the fyrst wryt, which by the statute of Mer. 1. Cap. 15. which beginneth Pur ceo que les hir et auters, &c. the shyryfe, constables, nor baylyfes of fee, shall repleuin any mā that is nat repleuisable and he þ hath the keepynge of pryſons in fee, shal lose the bailewyke for euer & shal haue thenpryſonement of tbre yeres. And he that holdeth theſe pryſoners (whyche are repleuisable) after þ they haue offred sufficient suerty, shalde greuously amerced agaynst the kyng. And know ye, that yf a man do trespas wythin the forest for whych he is taken, and put in pryſon, and þ gardeyn of the forest wyll nat hym repleuyn, nor lette hym to mayneprysers wryt shalbe sent to the shyryfe of þ plas to attache the sayde gardeyne, to bee before the kynge at a certayne daye, for to shewe wherfore he hathe nat made repleuyn of the sayd man, and be it conteyned in the wryt that the shyryfe call the verdours, and the names of þ mayneprysers to make delyuery to the sayde verdours, and answere in wryt before the Justices

And

knowe that by the statute of Ed. the thyrde An. 1. Ca. 9. whych begynneth: Eb hugh. &c. And knowe ye that no man shalbe taken nor imprisoned for beest, or benyson yf it be not found by verdit or enditement in whych two cases he shalbe let to mainprise by the wardeyne of the office, or otherwyse by wrytte, or the Wardeyn shal be attached as is aforesayd. And ¶ fourthe howe a man may be indited for trespas of beest or benison, is conteyned in the statute, whych is called Additio de forstallis made in the tyme of kynge Edwarde, son of kynge Henry. An. 34. And knowe ye, ¶ for trespas in parkes, a wryt of trespas is geuen to the party, to recouer hys damages, or els the kyng shal haue the sute after the yere & the day, as is mencioned in the statute of Westi. 1. Cap. 20. which begynneth. Purueu est en lement, que male factours in Parkes ou en viuers. &c.

¶ A wrytte of Replegiarye de auerris.

A wryte of replegiare de auerris is suche.

Rex vic̃ salutẽ. precipimus tibi q̃ iuste. &c. replegiari fac̃ A. de R. averia sua: que B. de W. cepit & iniuste detinet vt dic̃. Et postea cum inde iuste deduci facias. Ne amplius in de clamorem audiamus ꝓ defectu iusticie: teste. &c.

This wryt shal go out of the Chauncerye, dyrected to the shyryfe. ¶ he make deliueraunce of the beastes of the tenant which are in name of distresse. And yf the shyryfe serue not the wrytte than

thā shalbe made, as is aforsaid. We bole replegiando. And knowe ye þ in takynge of beastes, bi. thinges are necessary, þ is to say, bery lorde, bery tenaunt, seruyce behynde, the day of the takynge, seisone of the seruices, & win his fe. And knowe ye, that a man is nat bery tenant bntyl he hath attourned to þ lord by some seruices. And knowe ye þ a man may haue a repleuin, as well by pleynt, to the shirife or baylyffes of the franchyse, as by wrytte. And knowe ye that the statute of Welt. 2. Capi. 2. which beginneth. Quia dominus feodorū. &c. wyl that if the tenant haue repleuyed his beastes by writ in the county, the lord shal haue a Pone out of the Chaūcery, dyrected to the shirife that he remoue the ple, which is in the countye or in other court, betwyxte one suche lord and one suche tenaunt into the kynges court, & the Pone shal say Pone loquelaz que est en roll tuo y bre nostrum, inter J. et. K. de auerijs ipius J. captis et iniuste detentis. &c. And also the defendant may remoue, but nat wyth out reasonable cause, as it appereth more playnly by the Regestre. But yf the plee be without writ in countye or in courte Baron, than maye the plaintyfe remoue the plee into the comon bank, by the Recordare facias. And the same maner may

the

the defendant, vp reasonable cause. And know ye that if the lord that dystreyned do dystreyne another time after that the shyryfe hath made repleuyn by wryt, or wythout wryt̃e, as wel afore the Pone or the Recordare as after, & for the same thyng, for why che he toke the distres a fore, the pleyntyfe may haue a wryt directed to the shyryfe for to attache ỹ lord for to be before the Justices of the comō bāke at a certayne day to answer, wherfore he tooke the seconde dystresse for the same cause, if the distres be made after ỹ Pone, or after the Recordare, than the wryt shal cōmaunde the shyryfe, that he haue the body of the lord before him and his coronors at his next cōmyng, and if ỹ lorde be conuicted of the seconde dystres taken for the same cause, by the same baylyfes which made the repleuyn, or by other good people of the same county, that he shalbe amerced so greuously that hys chastysement. In casu consimili timor aliis prebeat taliter delinquentibus exemplum. And this wrīt is mayntened by ỹ statute of Marl. Ca. 3. which begynneth Ne quis maior aut minor. And the prees is, in this wryt of Pone, Gambs., Attachement, & distres. And for default of distres, proces of brlawry against the defendant. And that appeareth in a mayntenance

case

cafe, that the lorde shall haue the Bone, for by the comon lawe, the defendant shall nat haue the Bone & the lorde in this cafe appereth to be defendant, whā the tenant hath brought againſt him a repleuin, but it is not ſo here for aſmuche as the lorde diſtreyned his tenaunt, for the ſeruyces and ſutes, whiche to him was due. And therfor it ſhalde intended that he is demaū dant, & not defendant. And this clauſe ſhal be put in the Bone. Quia talis diſtrinxit in feodo ſuo pro ſeruiciis ſibi debitis, &c.

¶ Addicion.

y.rr. y.vi. In repleuyn, it is a good ple for the defendāt to ſay, that the properte of ỹ beaſtes, was in one ſuch & not in ỹ plaintyfe

pa.rrriii. E.iii. ¶ If the lorde diſtreyne his tenant not wſtandyng that ỹ tenant haue agayne his beaſtes, he ſhal haue a repleuyn, for that, that he may nat haue an accion of Treſpas. And it is a good ple to ſaye, that the pleyntyfe hath nothynge but in comon.

pa.riiii. y.vi. And yf a repleuin brought in by dyuers plons, the defendāt may ſay, that the proprty is in one of theſe pleyntifes, & not to al. And yf a man take a falſe wryt of repleuin, by ỹ whych the defendaunt hath returne the pleintif ſhal haue a newe repleuyn, and ſo he may haue of as many falſe wryttes as he wyll, for that, that the ſtatute doth remedye but one ſuyte onelye.

yf

¶ If a man in a repleuin, auow the ta- y.xxii.
kyng of ꝑ distres. &c. & ꝑ distres is cozne E.iii.
in the sheafes that is no good auowȝe
for it is said that a mā may nat distreine
wheat i sheafes, ne other maner of cozn
except that they be in a carte, for a man
may nat distreine in shokes, for the losse
that may folow in scaterȝng of the same
cozne. &c. And so it is of mout, if it be nat
in a bagge sealed for that, that one peny
may not be know by the other, and that
appereth in Trethas.

¶ He ꝑ is a strauger to auowȝe shall pa.xviii.
charge the auowant, to auow vpon him E.iii.
though he claime nat by him, vpon who
the auowȝe is made, ꝑ he may lay leyl
by the pleyntifes handes. for if the auo-
want accept hym for his tenant though
that he come in by deseison or otherwyse
he shal auow vpon him. And it is said in
the same ple if ꝑ bailie made cognisaūce
and the lord toyne to him, the pleyntyfe
shal recouer damages against the toyne.
And if the lord auow for the same cause,
ꝑ bailife is maintenant out of the court.

¶ If a rent be graūted to me, and ano- T.xxxiii.
ther, & my felow releaseth to me. I shall E.iii.
make auowȝe for al the rent, & yet I am
by seueral tytles, but it is tortuement ꝑ
I sue we the release in myne auowȝe.

¶ He that hath estate, of one copeptener T.iii.
G.i. shal E.iii.

shal auowe for a rent graunted vpon the purpesty, without verde, & shewe ꝑ matter in hys auowry whole estate he hath.

☞ If the meane be forjudged, the lord shal auowe vpon the tenant for the arrerages in the meane tyme afore the forejudger. &c. for he may nat auowe vpon ꝑ meane in so much ꝑ ꝑ meanolty is extinct

y.vii. E.iii.

☞ A writte of non Omittas.

A writte of nō omittas is suche.

Rex vic̄ salutē. Cū p̄ breue nostrū tibi p̄cipiemus: qđ aueria A. que B. cepit et iniuste detinet vt dic̄ eidē A, repl̄ feceris vl̄ causā nobis significes, quare mandata nostra tibi inde directa exequi non potuisti aut noluisti ac ballivis C. de D. quibus returnum breuis nostri tibi inde directi habere feciſti nihil inde faceretur auer̄ prout nobis significasti, precipimus quod ꝓpter libertatem p̄dictam non omittas quin eam ingrediaris & auer̄ p̄dict̄ eidem A. sine dilaī repl̄ facias eodem tenore breuis nostri inde tibi directi teste. &c.

This writte lyeth wher any wryt is dyrected to the shyryfe for to do the kynges cōmaundement. And ꝑ shyryfe doth returne the wryt, & sayth that he hath sēt to the baylifes of ꝑ frāchese, whych haue returne of wryttes within whych frauncheſe the wryt shal be serued, and the bailife serueth nat the wryttes, then the partye pleyntyfe shall haue the sayde wryt dyrected to the shyrife (Quod nō omittat. &c.) Quin exequatur p̄cepta dñi regis, &c. And also a mā

may

may haue auerement aswel agaynst ꝑ bai lyfe of ꝑ fraūthefe, whyche hath hole re-tourne of the kynges wrytte, againſt the ſhyrif aswel of ſmale yſſues ſo returned as in other caſes, as it appereth by ꝑ ſtatute of E. the. 3. an. 1. C. 5. And as is conteyned in the ſtatute of Weſt. 2. Ca. 39. in the myddes, whych begynneth Multotiens etiā. &c. that ꝑ ſhyrife ſhal warne the baylyfe that he be afore the Juſtices at a certeyne day, as is conteyned in the kynges wryt, and yf he come at the day lymytted, and him acquite, that the ſhyryfe to hym dyrected any precept, thā the ſhyryfe ſhalbe condēpned to the lorde of the fraunchefe, and yelde damages, to ꝑ partye greued. And yf the baylyfe come nat at the day aſſigned, or hym acquyte, thā all the wryttes Judicialles, whyche ſha' go out of ꝑ bāke to ꝑ ſhyrife, during the ſame plee: ſhalbe called. Nō omittas &c. And the ſhyryfe ſhall make execucyon of al the wryttes duryng the plee. And in thys caſe the lord ſhal loſe the fraūches, hangyng the plee. And knowe ye that yf the plee of Withernam be in the countrye and the ſhyryfe ſend to the baylyfe of the fraunches for to replegyn the beaſtes or goodes, whych are taken in the name of dyſtres, and the baylyfe wyl do nothyng than the ſhyryfe of hys office may entre

in the fraunches without wryt. As appereth in the statute of Mark. ca. 21. whi che begynneth. Prouisum est etiã, qõ si aueria. &c. And also the statut of Weſt. 1. Ca. 17. which begynneth. Purueu est ensement que nul. &c. And therfore it is nat holden in the one case ne in the other. &c.

A wryte of Withernam.

A wryte of withernã is suche.

REX vic̃ salutẽ cũ pluries tibi precipimus: q̃ iuste & sine dilatiõe repl̃ fac̃ A. aueria sua que B. cepit & iuste detinet (vt dicit) vl̃ causã nobis significares quare mãdata nr̃a tibi inde directa exequi noluisti aut non potuisti, ac tu nobis significaueris: qõ post q̃ pdictus B. aueres pdicti A. cepit in comitatu tuo, & ea a comitatu illo fugauit de com̃ in com̃ ita quod inuenire nõ potuerũt. Nos malicie predict B. obuiare volẽtes in hac parte. Tibi pcipimus q̃ aueria predicti B. in ballua tua capias in Withernam, & ea detineas donec aueria pdicti A. repl̃ possis iuxta tenorẽ mandatorum nostrorum inde tibi directorum teste. &c.

THys wryt lieth where the lord distreineth his tenant, for certayne seruices, or suytes, and the lorde doth chace the distres to a fortelete, or to a castel, or out of the same county where the distres was taken, into another county, or otherwyse, so that the shirife may not haue the sighte of the beastes, for to make replevin, or in such lyke maner as appeareth by the Registory. And if he refuseth to bryng bys writ of replevyn. Sicut alias

rut alias et pluris, & the shirife retourne that he may not haue the sight of the distres, for that, that the dystres is chaled to a forfelet, or castel, or out of one countie into another, thā the said tenant shal haue the said writte. &c. And knowe ye þ by the statute of West. 1. Cap. 17. which beginneth. Purueu est en lestatut, que nul deformes &c. that if any enclose the beastes, which he hath taken in name of dystres, in a forfelet or castel, that the shyrife may make as is conteined in þ same statut, at the sute of þ pleintif, þ the shyrife shall go to the castell, or forfelet, and there warne the lord, or him that toke þ beastes to make deliueraunce, and yf he wyl nat make deliueraunce, ths he shall abate the castel or forfelet for þ trespas and dispite done to þ kynge. And knowe ye, that if the dystres be taken wythin a fraunchyse, and the baylife of the fraunchyse wyl nat redeliuer, than the shyrife after complaint to him made, may deliuer the distres by his officer. As it appereth in the statut of Mark. Ca. 21. which beginneth. Pr̄oulst est ertā qḡ auertā. &c And þ pces is in this writ as in þ bone

proces.

Addition.

Knowe ye þ in a repleuyn at þ Pluris it was retourned, auer ia elōgata fūt and the defendant appered, & nat withstā-

xv. vii. E. iii.

pyng a Mytherna was awarded, and for that, that it was awarded erronyously, ꝑ iustices awarded a Supsedeas for the defendant, to the shyryfe to surcease and yf he haue taken the beastes of the defendant that he them restore, & the shyryfe returned, that before the Supersedeas to hym delyuered, he hath delyuered the beastes of the defendant to the pleyntyfe, And ꝑ the pleyntyfe hath esloined, ꝑ he may nat them restore to the defendaunt, And the defendaunt appereth, and pleadeth to the ozygynall, that he tooke them nat, & prayeth a Mytherna agaynst the pleyntyfe, And the court sayd, ꝑ if the pleyntif wil nat wage deliuerace, ꝑ he shal haue it

F.vii. R.ii. ☞ In a repleuyn after aduowze, ꝑ pleintyf is nonsuyt, and the defendant sueth awayt de retourno habendo, and the shiryfe returned, ꝑ they were esloyned. In this case he shal nat haue a Mytherna before ꝑ he hath sued a scire facias agaynst hys pledges. So knowe ye, howe a Mytherna shalbe awarded against ꝑ pleintif.

Y.ix. E.iiii. W.xvi. Y.vi. ☞ Note yt that the shyryfe may award a Mytherna in hys county where the repleuyn is sued by pleynte. For otherwyse it shalbe in vaine to sue a repleuin before hym, yf he may nat make proces.

W.ii. Y.iii. ☞ Knowe ye, yf the beastes of the defendant be taken in Mytherna, the shiryfe ought

ought not to deliuer the to the pleyntif, but ought to kepe the vntil the defendant wyl deliuer the other beastes first taken. For the wryt wyl Quod capias. &c. et detineas quousq; &c. And that is to be entended in ỳ comõ bãke, otherwise is in ỳ kings benche. And so knowe the diuersity.

☞ The wryte may make take. ex. Ore in Wythernam, notwythstanding the replevyng be but of one Ore. And if the replevyn be of pots & pannes, he may take in Wythernã, Oxen and other goodes. An. xiii. H. vi. w. xxi. E. iii.

☞ A wryte de Libertate probanda.

REx vic̃ salutẽ wõstraunt nobis A. q. cũ ipse libet homo sit, et pat̃ libertatẽ suã pbare B. clamãs eum natiuũ suũ verat eũ iniuste. Et ideo tibi pcipimus: q; si pdictus A. fecerit te securũ de libertate sua pbandã, tunc ponas loquelã illã coã Justic̃ nr̃is ad primã assisã cũ in ptes illas venerint quia hmõi pbatio nõ pertinet ad te capiendõ, et interim eidẽ A. pacem inde habere fac̃, & die pfato B. quod sit ibi loquelã suã versus pdictũ A. vide prosecutur si voluerit. Et habeas ibi hoc breue. &c. A wryte de Libertate probanda is such.

☞ A wryt de Natiuo habendo.

REx vic̃ salutẽ. Precipimus tibi q; iuste & sine dilacione habere fac̃ A. natiuũ cũ oibus cat̃ suis, et tota sequela sua vbicũq; iuẽtus fuerit in ball̃ tua nisi sit in dominico nro q; fugit de t̃ra sua, post coronationẽ dñi h. R. p aut nr̃i. Et phibemus tibi sup forisfact̃ ne quis eũ iniuste detineat teste. &c. Aliter si mãserit in dominico p minus tẽpus q; p vnũ annũ et vnũ diem, tunc fiat pro domino natiui hoc breue. A wryte of de natiuo habendo is such.

Rex vic̃ salutẽ. p̃cipimus tibi q̃ A. quẽ A clamat natiuũ suũ in cõ tuo per breue nostrum manseri in dominico nr̃o de N. per vnũ annum & vnum diem cum catallis nõ remaneat loquela ponenda in cõm tuo eo q̃ manserit in dñico nr̃o p̃manus tempus. &c.

These writs lye for the lorde when his neyfe is fled frõ hym, than the lorde shal haue these directed to ỹ shyrife, in what county soeuer the nyefe is abydynge or dwellynge, that he cause the lorde to haue hys nyefe with all hys goodes. And knowe ye ỹ in such writtes monyckes may nat be demãded thã two. But monyckes, may bryngc the writ of Libertate pbãda, that is in fauoure of libertie. And if ỹ nyef purchase his writ of Libertate pbãda, before that the sayd purchace his Done, he shalbe in peace but to the next Assise of Justices in Eire, but yf the lorde purchace hys Done, before ỹ the nieke purchace his writ of Libertate pbãda, than the writ of Libertate pbanda, is nothing worthe for the nyefe. And in this writte, it behoueth that the lorde proue that he was seysed of hym, or of hys bloud. And yf the lorde can proue no seysure of any of his blod, he shal wynne nothing: yf the nyefe haue nat knowledged him self in court of record, to be hys bellcyn. And knowe ye that yf two coparteners bryng a writ of Natiuo habendo,

nor, and the one is nonsuyt. The suyt for both shall faile, and that is in fauoure of lyberty. And knowe ye by the statute of 8.3. An.25. De puisor victualiū Ca.8. þ natwithstandinge the adiournament in Eyre in fauoure of nyefes, for delaynge theyr lordes of their accion against such nyefes, the lordes shalbe receyued, to alenge exceptions of bylleuage agaynste theyr persons, in all writtes where that the sayd writ of libertate þbanda is purchased by discrete, & the lordes may seise the bodyes of those villayns, alwell as they may afore such writtes (of Libertat þbanda) were ordeyned or purchased. And loke in the statut of Richard the.2. Cap.6. An.1. whych begynneth all grenous playntes que touchent leftate des villayns. &c. And knowe ye that yf ỳ vyl layn of any lord haue dwelled in auncient demeane of the king by ỳ space of a yere and a day, without sclaunder of the lord or claime, he may nat haue hi by no writ out of the sayd auncient demeane. But it is saide yf he be founde oute of auncient demeane, the lorde may seyse him as his vylleyn. And knowe ye that this writte is dicollityel, and nat retournable but it may be remoued by a þone, out of ỳ cou tye, into the comon banke, as it is sayde. And knowe ye in case ỳ the lorde be nat a

ble to distreyne his villaines, to cause thē make & do their seruyces, he may haue a byl directed to ỹ shirif, for to be ayding to him there, where he is nat sufficient, &c

☞ A writ de Moderata misericordia.

A writte de moderata misericordia is such.

REx balliuis A. de Z. vel tali domino vel vill salutē. Monstrauit nobis A. q̄ cū ipse nup a merciand̄ esset in cur̄ tua de N. vel in cur̄ p̄dicti dñi de Z p modico delicto in q̄ cecidit, actu vel voc ab eo gñe exigis vel exigitis redēptionē cōtra tenorem Magne carte vel libertatibus Anglie, in qua cōtinet, q̄ nullus liber hō merciet, nisi scōz quantitatē delicti, et hoc saluo cōtento suo, et villanis saluo waynagio suo. Et ideo tibi vel nobis precipimus, q̄ a p̄fato A. moderatā capias vel capiatis misericordiam scōm quātitatē delicti illius ne clamor ad nos inde gueniat iteratus: teste. &c.

THys writte lieth, in case where a man is amerced in county or court barō, more greuously thā he ought to be amerced, in hauynge no regarde to the quantyte of the trespas, than he shal haue the sayd writ to the shyrife, if it be in county, or to the bayliyfe, yf the plevnte be in court barō, that they shal nat amerce hym ouer greuously, but after ỹ quātyte of ỹ trespas. And yf they moderate nat the amerciament by this writ, than shal there go out, a Sicut alias, vel causam nobis significes. And know ye: that the register in thys case gyueth no other

Quere.

proces after that Sicut alias, but a Sa-
mons, yt ideo quere. And yf they do no-
thynge by thys writ, than shal go attа-
chemēt out of the Chaūcerye against thē
yt they be before ye Justices at a certayne
day, & after the attachement retourned:
yf they come nat: than shal go out a dy-
stres, and for defaute of a distres, proces
of outlawry. And knowe ye that no man
shalbe amerced by the lawe, but hauyng
regarde to the quantite of his trespas. A
marchaunt sauyng hys marchaundyse,
and a yllayne sauyng hys gaynage, ha
uyng regarde to the quantyte of the tres
pas as appereth in Magna Carta, ca. 14.
Nullus liber homo amercietur. &c. & in
Westm̄ secunde, Ca. 6, wbych begynneth
Et nul Cite, brough, ne belleine nul hōe
amercie sans reson able enchefon. &c.

A writte de Transgressione.

A writte of transgressi on is such.

Rex vic̄ salutē. Si A fecerit. &c. tūc pone. &c.
B. q̄ sit. &c. tali die ostēd. quare vi et armis
in ipsū A. apd N. insultū fecit et ipsū verbera-
uit, vulnerauit. & male tractauit. Et alia enor-
mia ei intulit ad grāue dāpnū ipsius A. & cōt
pacē nostrā. Et habeas. &c. teste. &c. Aliter de
quarera. Ostēdū quare in querera ipsius A.
apd F. foderūt petras ad valentiā. xx. li. sine
licentia et voluntate sua ceperūt. &c. Aliter de
colūbis. Ostēdū quare colūbare ipsius A. apd
T. noctanter fregit & colūbas suas in eadē co-
lūbare existentes malicioſe interfecit, per qd
idē A. volatū ciusdem columbaris totaliter a-
mīsit et alia enormia &c.

Thys

THys wryt lyeth where the Tres-pas is made, or done to any mā or woman, and supposed that ꝑ tres-pas is done with force, and armes. Thā he to whom the tresspas was made, shall haue his wryt, and in thys wryt he shal recouer damage. And note yt that ꝑ sta-tute of West. 1. Cap. 37. whyche begyn-neth. Purce q̄ alcūs gentz de la cre. &c. a mā shall haue a wrytte of Attaynte in ple of Lond, or free holde, or of a thynge ꝑ tou-cheth freehold. And now by the new sta-tutes of E. 3. An. 1. Ca. 6. Attayntes shal-be graūted, in wryts of Tresspas aswell vpon the damages, as vpō the principal. And the Chaūceler hath power to graūt thys wryt wout speakynge to the kyng, And ꝑ the Justyces in no case of attaynt shall let for to take attayntes of the da-mages nat payed, and by ꝑ statute made Anno. 5. E. 3. Ca. 7. in the end, a mā shall haue a wryt of Attaint in ple of tresspas moued before the Justices without wryt if ꝑ damages adiudged pas. xl. s. And af-ter by the statut of the same kyng. An. 28 Cap. 8. A wryt of Attaynte shalbe grāt-ted, aswel vpon a byl of tresspas, as by a wryt of tresspas without hauing regard to ꝑ quātite of ꝑ damages. And after by the statute of ꝑ same kyng. An. 34. ca. 7. a mā may haue attaint, aswel of plee roi

al, as

al, as of ple personal. And that the writ of attaynt be graũted to poore mẽ, ꝑ wil swere that they haue nothynge, whereof they may make fyne: sauyng they? countenaunce they shal haue it without fine, as al other shal haue it for the fine. And knowe ye that a writ of Trespas, no attaynt shal nat be meyntened, yf the damages pas nat. xl.s. before Justic. And no shyryfe shal hold ple in county, if the damages pas. xl. s. And that is ordeined by the statute of Glouc. Cap. 8. which begineth. Purueu est ensement que bicũte. &c. And this writte shall not be remoued in the comon banke with cause. But yf ꝑ plebe in countie, without writte, it may be remoued afore the Justices, bicause ꝑ the ple toucheth freholde, or in case that the defendant do clayme the pleyntyfe to be his bylley y, and suche like cases. And also thys writte hath bene of record by suche cause, that the grounde where the trees grew, was the frehold (Cõtro quẽ clamor est) and the pces is in this writ attachement and dystres, and for defaut of dystres, thre capias, & a exigent pclaimeth in fyue countyes. Proces.

Addicion.

☞ In trespas it was said: yf a lease be made to a mã for terme of yeres, & after the terme is expired, and ꝑ lesse holdeth T.xxii. E.iiii.

hym

him in, and the lessoure entreth nat, for the occupacion after the terme, this writ of Trespas wyll not lye.

y.xvii. E.iiii. ☞ It was said in trespas &c. that for ꝑ mysurer of a thing, taken for damage lesaunt, a man shalbe charged as a trespasser, from the begynnynge, and so it is of a distres taken yf it be mesured. &c. And in this case the defendaunt wyl Justyfy for damage lesaunt, & the pleyntyf shewe howe he hath mysused that and so of hys owne wronge that is no good replicacō. But he to showe the mysuser, & no more, for the lawe in him selfe entendeth ꝑ quet

y.xii. y.iiii. ¶ In trespas a dyuersyte was put whā a man is Impleaded, for nat doynge of a thynge that he ought to do, and whan he hath done a thynge ꝑ he ought nat to do, for in the first case he thynketh ꝑ he shall nat be punysshed by an accō of Trespas quare vi et armis. But an accion vpon ꝑ case lieth, but in the other case he shalbe punisshed. Quare vi et armis, quare tamē

y.xii. y.iiii. ☞ In Trespas. Quare filium et heredē suuz abduxit. &c, & for that, ꝑ he shewed not, that the mariage to hym belongeth exception was taken, but for all that, as it is thoughte it is nat allowable, for it may be that the auncestour of the infant held of the pleyntyfe, by knightes seruices, & yet he shall nat haue the mariage:

for

for he may holde of another by prescripte. T.ii. ¶ In Trespas agaynst three, they pleded nat gylty, & founde gylty, the one dyed after the enquest taken, yet the playntife had iudgement to recouer agaynst the other, whych were on lyue. H.vi.

¶ In a writ of Trespas, of beastes taken, the defendant iustyfyed, as baylyfe for seruices dehynde. &c. And ỹ playntyf sayd, ỹ he was nat bailife. &c. And wher of they were at yssue, ỹ playntyf shewed in euidẽce, howe he toke thẽ in clayming them as hariottes for hym selfe. Wherfor, though that ỹ lord after agree to his taking for seruices due to the lorde, yet he maye not be sayde hys baylyfe. But if he take thẽ without cõmaũdement, for seruices due to the lord & the lord after agree to the taking, he shalbe iudged as baylif, though ỹ was nat his bailife in no place afore ỹ taking and so the dyuersyte. H.i. H.viii.

¶ In trespas of two Chartours taken away, the defendant pleaded nat gylty, & was found gylty, to the damages of. 40. s And was pleded in arrest of iugemẽt ther that ỹ playntyfe shewed nat in his declaracion, howe much land was cõprised in the Chartours, & nat allowed. And dyuersyte put betwyxt this accion & a writ of Detinue of Chartours: for in Detinue he demaũdeth the Chartours, & there he T.xix. K.iii.

ought

ought to shewe the certeinte of the land, for if ꝑ Chartours be burned, he shal recoue damages, after value of the lande cõpziled. ꝛc. But in this accõ he demandeth nat ꝑ Chartours, but is to punyshe the defendant for the takyng away, and the plevntife hath iudgement to recouer. And note this good diuersitie.

A writte of Diſceyt.

A writte of Diſceyt is ſuche.

Rex vic̃ ſalutem. Si A. fecerit. ꝛc. tũc põ. ꝛc. B. quod ſit. ꝛc. ad rñdendum tam nobis q̃ p̃fat A. quã per quoddã breue nr̃z p̃ finẽ C. ſolidis ad opus nr̃m p̃ breue p̃dict̃ capiendo rum note p̃dicti A. hoc penitus ignorans fraudulenter ⁊ malicioſe in cancellar̃ noſtr̃ impetrauit in deceptionem cur̃ nr̃e ad grauc̃ dãpnum ipſius A. dic̃. Et habeas ibi nomina plegis et hoc breue teſte.

And whan it is Judicial it is ſuch.

Rex vic̃ ſalutẽ ex pte A. nobis ẽ oſtẽſ. quod B. in cur̃. ꝛc. falſo et in deceꝑcione eiuſdem cur̃ nr̃e recuperauit ſeiſam ſuam verſus eum de tribus meſuagiis cũ pertiñ in E. vt ius ipſius B. p̃ defaltã ipſius A. cum idẽ A. nunc̃ ſum fuit ſcõm legẽ terre eſſendi coram Juſtic̃ nr̃is apũd weſtm̃. ꝛc. ad reſpõdẽdũ p̃dicto B. de placito p̃dicto nec p̃dicta meſſ. nunc̃ cauſa fuerunt in manũ nr̃ã ab aliaquam defaltã ipſius A. nec idẽ A. iterato ſum fuit eſſendi. ꝛc. apud weſtm̃ ad rñdẽdũ p̃dicto B. tã de p̃dicto placito principali q̃to ꝙ defalto p̃dicto prout mos eſt in regno nr̃o. Et ideo tibi pcipimus quod diſtr̃ A. et B. pumus ſum̃ p̃ quos B. vic̃ nr̃e cõm p̃dict̃ mand̃ Juſtic̃ nr̃is apud W. quod ſum̃ p̃dictum

A. eſſẽdi

A. essendi. &c. apud W. &c. ad rñdendum ꝑdicto B. de plito ꝑdicto. Et etiã q L. vnũ q̃ cuius vi-sum et quotundã T. S. h. et J. ſ manõ Justic̃ nris apõ westm: q̃ ꝑdicã tertia ꝑs capta fuit in manũ nram & etiã W. vnũ de ſcõis ſuũ per quẽ vic̃ mãdamus Justic̃ nostris apõ westm: q̃ A. ſum fuit essendi. &c. apõ westm. &c. ad rñ-dendũ ꝑdicto B. tã de principali plito: q̃ de ꝑ-dicta defalta, et oẽs tras. &c. ocꝯ. purſ ad cer-tificandũ ꝑdictis Justic̃ nris simul cũ ꝑdict A. T. S. h. et J. de ſuũ in captione ꝑdictis & au-diẽõ motic̃ ſuũ de pluꝛ defaltis pꝛ etiã tibi: q̃ distr̃ ꝑdictũ S. nup vic̃ com̃ predicti & oẽs tras res redditus. &c. q̃ ſit. &c. ad ꝑfatuꝫ t̃minũ ad certificandũ ſimul. &c. et ad audiendũ ſuum. &c Et tu ipſe tũc ſis ibiñ in ꝑſona tua ad̃ certificandũ prefatis Justic̃ nris simul. &c. Et habeas. &c. teſte. &c.

THys wꝛyt of Diſceyt, is ſome tymes Oꝛyginal, & ſome tymes Judiciall. But whan it is Oꝛiginal, thã it lyeth in caſe where any dyſceit is made to a man by another by which diſceyte, he may be diſherited, oꝛ otherwyſe cuyl entreated, as it appeꝛeth by the Regeſtre, than he that is in ſuch maner diſceyued, ſhal haue the ſayd wꝛyt. And the pꝛoces is, Attachement, & diſtres hnto ỹ pre appere. And whã it is Judicial, thã it lyeth out of the rolles of recoꝛd. As in caſe where a Scire facias is ſende to the ſhyꝛyfe ỹ he warne a mã to be befoꝛe the Juſtices at a certeyne day, & the ſhyꝛyfe retourne the wꝛyt ſerued, where the ſayd

proces.

man was not warned, by which diſceite the party ꝑ ſueth the Scire facias, recouereth, than the partye whiche ought to haue ben warned, ſhal haue the ſaid writ agaynſt the partye, whiche hath recouered directed to the ſhyryfe of ꝑ ſame coũtie. And alſo it lyeth in caſe, where a writ cũe dum ꝙ reddat, is brought agaynſt a mã, by force of which writte he ſhalbe ſomoned to be before the Juſtices at a certayn day, & the ſhyrife hath retourned, that he was ſomened, where he was not ſomoned, vpon whiche falſe retourne, & diſceyte of the ſhyryfe, the demaũdant ſhal recouer ſeyſon of the lande by the default of the defendant, thã he to whom the diſceyte was made ſhal haue the writ directed to the ſhyryfe of the ſame coũty, that he cauſe the partye to come, which hath recouered. And alſo the ſomoners to anſwere of ꝑ diſceyte, & falſnes ꝑ they haue made, aſwel to the kynge, as to the ꝑtie. And ſhalbe cõmaũded to the ſhyryfe, ꝑ he take the lande into the kynges hande, vntil the one, or the other hath the lande vnto the ple be diſcuſſed betwixt them, & the ſhyryfe ſhall anſwere & make accõpt in this caſe, of al the yſſues ꝑ cõmeth of ꝑ lande in the meane tyme, to the Barons of the eſcheker. And know ye ꝑ yf ꝑ ſomoners dye afore ꝑ they be examined, the pleyn-

tife

tife in this action that neuer recouer the
lande. But than he that haue a writte of
Deceit vpon his cafe against the tenante
and recouer against hym al in damages.
And knowe ye that whan this writ is
fued agaynft the fhyrffe, the Coroner of
the countye fhall make execucyon of the
writ as the fhyrffe fhall do, yf the writ
were brought againft a ftraunger. And fo
fhalbe done in all cafes, where profes is
made agaynft the fhyrffe in this countye.
And nowe by the newe ftatutes of Ed. 3
An. 2. Cap. vltimo, a writte of Dyfceite
fhalbe mayntayned, & fhall hold place al-
well in cafe of garnifhment which con-
cerneth ple of lande there where fuch gar-
nyfhement is due, as in cafe of fomons
in ple of lande. &c.

Addition.

I Knowe ye that yf difceyt be made in
kynges benche, Chalcerye, or in the Ex-
cheker, this writ fhalbe brought in the
places where thofe difceytes were made
and nat elfwhere. But of dyfceyt before
Juftices of tryel bafton, or of Oyer and
terminer, after office determined, a writ
of Dyfceit fhalbe brought in the comon
banke, & it is conuenient for him to haue
the record, yf dyfceyt be made in any o-
ther p'tee. And knowe ye, that a writ of
Dyfceyt lyeth agaynft the attourney yl

he be absent by dyscrete.

¶ And knowe, ꝑ a writ shall nat abate
W.xlv. for defaute of forme, if he haue good sub
b.vi. staunce. And if attourny be informed by
T.ix. hys mayster to pleade a false plee, the wh
E.iiii. che he may nat plead by cõscience, he may
haue lucy entre (quod non fuit veraciter in formatus) tres nullum. &c. for to ayde
hym in a writ of Dyscrete.

T.xlv. ¶ A writ of Discrete was graunted by ꝑ
E.iii. Justices in a writ of waste where at the
graūde dystresse, the pleintif had a writ
to enquyre of the waste, and by the inqui
sicion the waste was found, by which the
pleintyfe hath iugement to recouer, wher
ꝑ defendāt was neuer somoned, attached
nor distreyned, & the writ mayntcyned.

¶ A man recouered in a Receipe, ꝑ red.
against, iii. of certeyne lande, by defaute
one dyed, these iii. shal haue a writ of dis
cret yf they were not somened, natwith
standyng ꝑ the accyon was gyuen to the
tyrde in his lyfe for that, ꝑ it falleth in
inheritaunce, & it was sayd, that yf iuge
ment be giue against two by defaut, wher
of the one was tenant, & the other hath
nothyng, he that was tenant shal haue
a writ of Dyscreyt, natwithstandyng, ꝑ
the record proueth these two to be tenaū
tes. And also it was sayd that the kynge
shal haue the issues of the land after the

fyrste

fyrst iugement, & nat the pty whych re-
couered by disceit. And also it was said,
that the heyre shal haue a wryt of disceit
of iugement layed against his father of
certeyne lande, but he in the reuercyon
shal nat haue a writ of iudgemēt layed
against hys tenāt for terme of lyfe, &c.

¶ A wryt of Rescusse.

A wryte of Rescusse is such.

REx vic̄ salutē. Si. A. &c. tūc pone. &c. B. q̄ fit. &c. apud W. &c. often. quare & uidē A. q̄ h. seruiētē suum quēdam equū ipsius B. aquod fm feodo suo proconē & seruic. sibi debiter capi fecisset & idē h. equū illum ibū scēm legē & consuet regni nri Anglie in garcare voluisset et predict B. equū illum vi et armis rescussisset et alia enormia. &c. ad grane. &c. reste. &c.

THys wryt lyeth, where any lorde distreyneth his tenant in hys proper fee, for certeyne rentes, or seruyces, or customes behynde, & the tenaūt come wyth force and armes, & wyll nat suffer the lorde, nor hys seruaūt or him to take the distresse, but to them make rescusse, than the lorde shall haue the sayde wryte. And also if any baylyfe, or minister of the kynge, or of any other lorde, to whom speciall auctority is gyuen to distreyne, and rescusse to thē be made, they shal haue the sayd writ. And in the same maner may the shyryfe or other bailyfe, whych hath power to take any man by ꝑ kynges commaundement, if rescusse to the

be made. And a man may haue the sayde writte in many other cases, as appereth by the Register more playnly. And the pleas is in this writ. Attachement and distres and for default of distres three Capias & one Exigent. And in a writte of Trespas for it is supposed that he made rescusse wyth force and armes agaynst the peace.

Pleas.

Addition.

☞ Knowe ye that yf the lorde come to dystreyne his tenaunt, & he the beastes: & the tenaunt chase the from him, the lorde shal not haue a writte of rescusse, for that, that he hath no possession of them in deede but he may followe and take thē wythers so euer they be chased.

C.xiiii. v.iiii. C.xiiii. C.iii.

Anno. xii. Item. Nota.

¶ If a mā take beastes, damage feasant, and in dryuyng them by the hye way to impound thē, the beastes entre in ꝑ house of their possessour, and he that tooke the beastes prayed delyuerance, & the possessour will not them delyuer: a writte of rescusse lyeth.

¶ A wryt de Audiendo et terminando.

A writte de audiendo & terminādo is such.

Rex dilect. et fidelibus suis &c. W. salutem. Sciatis q̄ assignauimus vos Justic. nostros ad inquirendū per sacrm probor̄ et legalium hominū de Com. Si per quos rei veritas melius scire poterit, tam malefactores, et omnes alios perturbatores pacis nr̄i ad valenc. n̄ri, qui apud N. in comi vi et armis ceperūt et asportauerūt alia &c. ad grauc. &c. & contra pacē &c. ad quos gaol delivery audiend et terminand pertinet &c. & vos

suet

fuit regni nri Anglie. Et ideo vobis mandamus q̄ ad cert̄ diem et locū quos ad hoc p̄o uideritis p̄emissa expleat informa predicta facta in dc̄ scōm q̄ ad Just. pertinet in hac parte saluis nobis amerciamenta et alias ad nos inde spectantibus mandamus cm̄ vic. nostro com̄ predict. q̄ ad cert̄ diem et locū quos et scire facias coram vobis tot et tales probos et legales hoēs de com̄ predicto p̄ quos rei veritas melius scire poterit et inquiri. In cuius rei testimonium has lras nras fieri fecimus patet. teste. &c.

THis writ lieth in nature of a writ of Trespas & lyeth where any affray or trespas is made to any mā agaynst the peace of our souerayne lorde the kyng, the whyche affray or trespas is hastely to be redressed and amēded, or otherwyse there shalbe great hurt of peace or dispaire of ꝑ lyke of ꝑ same mā, thā he whyche is in such maner affrayed or trespassed, or damaged, shall haue the sayde writ, but he shall come to the kynge and to hys councel and shewe in a byl. And if he se that it be to do, he shal graūt to the party the sayd writ dyrected to the shyryfe of the same countie, that he cause to come before ꝑ Justyces assygned to here and determine this affray, or trespas, tot et tal pbos. &c. these which shal try such affraies and trespasses. And also the Justyces assigned to here & determine these affrayes or trespasses, shal haue a cōmis-

lyon ope, in which shalbe cõteined what they haue to do, & what shalbe their power. And knowe ye that the writ which shal goto the shyrykes is suche.

REX vic' salutẽ. Assignauerimus dilectos. &c. R. et W. tibi scire fac' venire facias coram eis tot et tales. &c. de cõ tuo per quos. &c. omnes illi quod. &c. et quorum idem R. et W. tibi scire facere, si predictus J. fec' et tunc pon. &c. qõ fuit. &c. Et habeas. &c. teste. &c.

Note. And note that these writs, shall nat be graũted, but by the kyng, & none hath power to here and determyne suche actrayes but the kynges Justices, and sergeauntes whych be sworne to the kyng, and þis gyuen in the statute of Westm. 3, Capitulo tricesimo nono, which begynneth breue de transgressione. &c.

A writte of de Errore corrigendo.

A writte of Errore corrigendo is suche.

REX maiori et vic' Lond' salutẽ. Quia in recordo & processu, ac etiam in reddicione iudicii loquel' que fuit in curia nra ieiuratis pdicte coram vobis prefat' vic' sine bre nro inter A. et B. de quadã transgr eid' A. per pfat' B. illat' vt dic' error intuenit manifestua sicut ex querela eiusdẽ B. accepimus. Nos errorẽ si quis fuerit, modo debito corrigi, & ptibus pdict' plenam et celerem iusticiam fieri volẽtes, in hac parte vobis pcipimus: q̃ recordum et processũ loquele pdicte coram vobis in pleno hustingis nro ciuitat' pdicte venire ea vice in psentia ptiũ pdictorũ q̃ vos super hoc si interesse voluerit pmunitis rectari, et diligenter examinari & errorem (si quis intersuenit) in hac parte debito

modo

modo corrigi, et ptibus p̄dictis plenā et celerē iusticiā inde fieri fac. put de iure et scom cōsuetudinē ciuitatis p̄dict fuerit faciend. ꝛc. uel sic. vos p̄fatis vic p̄dict execuc et securitatē cora vobis inueniend vel faciend ad respondendū eidē de supersedeatis. ꝛc.

THys wryt lyeth in case where falf iudgemēt is gyuē in ꝑ comon bāke before iustices assigned for to take assyses, or before the Mayre & shiriffs of London, or in any other towne fraunchesed, thā he agaynst whom the iugement is gyuen shal haue this writ dyrected to the Justyces or other mynysters before whom the iudgemēt was gyuen. And yf false iudgemēt be gyuen in London, thā shalbe made, as before saide in the writ of false iugemēt, that they make the record and processe of iugemēt to come before the Justices of the kynges benche. And also that they cause to warne the pty, wh ych recouered, to be afore the same iudges of the kynges benche to pursue forth in his plees as the kinges court shal award. And know ye that whan the record and processe are comen before the Justices afore sayde, they shal correcte and amende the iudgemēt if that right may be made to ꝑ partyes. And know ye that a wryt may nat be maintayned, but if the iudgement be of record, for yf the iudgement be giuen in court Baron, countye, or in hun-

dzeth, whych is nat of recozde, than the
party shal haue a wzyt of Faux iugemẽt
and nat a wzyt of Errour. And if any be
implcaded befoze Justices, & the partye
take exceptiõ befoze his aduersary why-
che exception ꝑ Justices wyl nat allow,
than the partye ought to do as is ozdey-
ned by the statute of West. 2. Ca. 31. whi
che beginneth. Cũ quis implacitatus, &c
ꝑ is to say, that ꝑ partye shall wzyte his
exception, & pzaye one of the Justices to
put his seale to the byl, and wyã hys byl
is sealed he shal go to ꝑ Chauncery of our
soueraigne lozde the kynge, & put by the
byl to the counsel. And than the kyng shal
make the hole recozde to come afoze hym
And yf the sayd exception be nat founde
in the recozd, than shalbe cõmaunded to
the sayd Justice, that he be afoze ꝑ kyng
at a certeyne daye, at whyche daye, yf he
come & may nat denye his seale, thã shal
be cõmaunded to him that he go fozth to
the iugement, accozdynge to the sayd ex-
ception. And know yet that the Register
speciffyeth a wzyt of Recour, of Faux iuge-
ment gyuen befoze the shyzifs his cozo-
ners in county, oz in a wzyt of Post diss-
eyson, and shalbe redzessed in the kyngs
bench. And in the same maner may be in
a wzyt of Recoupleryson, & the cause may
be, foz that, that these wzyts of Meddis-

seysyn

keylyn, and bost dilleylin, are of recozd, foz they shalbe inrolled in the Chauncery, and the transcript of the shalbe put in ỹ Eschequer in the end of the yere. As it appereth by the statute of Westm. 2. Cap. 8 in thende, which beginneth. Cum ỹ placitum motum. And know yet that a writ of False iugemẽt shalbe retourned before the Justices of the comon banke. But a writ of Errour shalbe retourned before the Justyces of the kynges benche. And knowe ye that yf Errour be made in the eschequer, it shalbe redressed by the Chauncelor and treasorer: as it appereth by the statute of E. 3. An. 31. Cap. 12.

Addition.

¶ Assyse brought against the gardeine of a chapel of the kynges graunt, And ỹ pleynt was of land & rent, and hangyng the assyse, the gardeyne relygned to the kyng, and he gaue that to one I. S. and thassyse passed for the pleyntyfe, & I. S. was put out & brought a writ of Errour as successour, assygned for Errour ỹ hys predecessour was not named gardeyne, & that the kynge was seysed hangynge the assyse, & it was awarded: that the writ lyeth for hym, and ỹ iugement reuersed. The same lawis of a Prebendarier. But he that purchaseth hangyng the writ against hys feoffour, he shall not haue a

T. xv. E. iii.

writ of Errour for that, þ he cõmeth to þ
hi his own dede, & nat by course of þ law

pa.xxxiiii. b.vi. ☞ If a Quare impedit, or Trespas, be brought against many, and one cõfesse þ accion, or pleade so þ he is attaynted, he shal nat haue a writ of Errour, vnto the matter be determined against these other for þ recorde may nat be remoued before that al the matter be determined, & after that, he that cõfesse the accyon may haue a writ of Errour.

pa.vii. b.vi. ☞ If a writ of Det be brought agaynst two by one ioynt Precipe, & the pces is by seueral Precipies, that is Errour.

☞ If the tenant in especial tayle hath yssue a doughter, & lose by erronious proceese, and after hath yssue a sonne by another woman, þ doughter shal haue awrit of Errour, & nat the sonne. For that, that she is heyre to the specyal tayle, and the sonne is heyre at the comon law.

pa.vii. b.vi. ☞ If erronious iugemẽt be gyuen in þ kinges benche, the same terme it may be redressed by writ of Errour in the same bancke, and the rolle shalbe amended: for that that al times the same terme the recordis in the Justices, & the rolle is but theyr remembraunce.

b.xxi. b.vi. ☞ If a recouery be tayled agaynst the tenaũt in taile, or for terme of lyfe, he in the reuercyon shal haue a writte of Errour

rour, and reuerse that by the comon lawe so that ꝑ statute is nat but in affyrmãce of the comon lawe. The statute is An. 9 Richardi secundi Capi. 3.

¶ And know ye that ther is a diuersitye betwyxt a wryt of Errour and a wryt of Faux iudgemẽt: for that, that faux iugement is nat of record, vnto suche tyme ꝑ it be herd. And yf the wryttc by whyche it is remoued be abated, it is come wyth out warrant. Than it shall continue before the suytours, for it is as no wrytte. But otherwyse is in a wryt of Errour, for that was a record before. And a record may be brought in the kyngs bench by a iudge of the comon place wythoute wrytte. But these suytours maye nat wythout wryt. p.iiii. b.vi.

☞ And a writ of Errour lieth al times agaynst him, that is party or pryuye, nat wythstandyng that he be nat tenãt: for that, that the errour ought to be tried by the record. But in fals iugemẽt the writ shalbe al tymes agaynst the tenant of ꝑ land, natwithstãding that he be a stranger to the iugement: for that, that these errours shalbe tryed by auerment, & nat by the record: for that, that it is nat a record, whyche auerment none shal haue, but the tenaunt of the lande. W.xviii. E.iii.

☞ A wryt de Conspiratione.

Ner

A wryte de Conſpiratione is ſuch

Rex vic ſalutē. Si A. fecerit. ꝛc. tūc pone. ꝛ. A. C. oſten. quare cōſpiracioē inter eos apō R. phabita ipſū A. de quibuſdā latrociniis, et aliis tranſgreſſionibus p ipſū cōtra pacē nr̄ām apō W. in com S. indictarent ipſū A. occaſioē pdicta apud S. capt et in priſona nr̄a de tent quouſq; in curia nr̄a coram dilectis et fidelibus noſtris R. et W. Juſtic noſtris ad goalā noſtram apud S. deliberandum, aſſign inde ſcīm legē et conſuet regni nr̄i Anglie acquietatus fuiſſet falſe ꝛ malicioſe procurauerit ad graue dāpn̄ ipſius A. ꝛ cōtra formā priſionis in hmōi caſu priſum. Et hēas teſte. ꝛc.

THys wryt lieth in caſe where many men are cōfedered togyther by othe, couenant, or by other comunycacyon, that euerye one ſhall helpe other, for to dyſtroye, indyte, ryſe, or cauſe to appell anye man, than he (that is in ſuch maner appeled or indyted) by ſuche conſpyratours and be acquyte by the countre, he may haue the ſayd wrytte agaynſt the ſayde conſpiratours, As it appereth by the ſtatute De cōſpiratoribus made in the tyme of kynge E. ſonne of kynge H. Anno. 34. And that the Juſtyſtyces aſſygned, to here and determyne pleas of treſpas, or of felonye hath power to enquire of ſuch cōſpiratours. And the proces is Attachement and Dyſtres vntyll they come. And that a wryt of cōſpiracye lyeth nat agaynſt theſe endytours As it appereth by the ſtatute of Weſt. 2.

proces.

Cap. 12.

Cap. 12. which beginneth. Quia multis malicia. &c. wil that a man shal nat haue a writ of Conspiracie of no appeale whi che shalbe determyned before Justyces, whych are record, for it shalbe enquyred of the abettours before them selfe. And if anye be founde abettour, he shall haue a writ Judicyall agaynst these abettours the which is gyuen in place of a cõspiracye. And also a man may haue a writ of Conspiracy where he is indyted within a Cytye Brought or other towne of any act or dede be made with the place where they haue coroners within they? fraunchese, whan he shalbe acquyted afore the mayre and the baylifes of the towne, & that shalbe sufficyent to record the deliueraunce, if he be another tyme peached of the same felonye in the kynges courte And that euery suche inditement of the act made within the towne, the mayres the baylyfes may delyuer hym from the gaole. And also where felonye is meynprysed within the same cyty or brought, but yf a felon be indyted out of the fraunchese, and after is taken within the fraunchese, the mayres the bailyfes maye nat haue the conusaunce without lycence of the kynges iustyces whych are assygned by writ to deliuer the gaole of the same county, but to the selfe they may nat. &c.

And

And the Justices assygned to here and determyne pleas of trespas, & of felony hath power to enquyre of such conspiratours and the poyces is bt supra.

Addition.

M.xx. H.vi. ☞ If a man conspyre to endite another and after the conspyratour is swoyne in thenquest to present for the king, and he doth enfourme his felowes that the said J.S. hath made such a felony, and afore that the verdyte be gyuen, he is put oute of the panel, a wryt of Conspiracy lyeth against him, but if he had bē discharged after verdit, he had ben discharged of the conspiracy, for that, that the law intendeth that all that was made afore was lawfully made, for that, that it is executed by his other.

An.xxii. E.iii. Li.ass. ¶ A, and B, by false conspiracy betwixt them made, procured certayne people to indite C. of the deathe of one D. by force of which he was indyted and arrayned of the deathe of D. & he knowledged and iustified, by force of which he went quyt by iugement, in this case C. shal nat haue a wryt of Conspiracye, for that, that D. knowledged the felony & of that was acquyted by force of the law as of a thyng which was nat felony by ỹ lawe, and it was nat to A. and B. to knowledge whether it was felony or no.

If

¶ If one procure diuers people to endite me, and after he that procured hath a cõmyssyon, and afore hym I am indited. If shal haue a wryt of Conspiracy agaynst hym, & this cõmissiõ shal not excuse hym of the wronge made before, & so it is yt a mã be twyse for to enfore me thenquest this other shal not excuse hym. An.xxvii. E.iii. Li.as.

¶ A wryt de Compoto.

A wryte de Compoto is such.

REx vic̃ salutẽ. precipe A.q iuste. &c. reddat B. rationabile cõpotum suum de tpe quas fuit ballius suus in C. et recepto: denariorũ ipsius B. vt dic̃. Et nisi fecerit et predictus B. fecerit te secur̃. &c. tunc sũmat. &c. predictum B. quod sit. &c. ostensurum quare non fecerit. &c. Et habeas. &c. teste. &c.

THys wryt of accompt lieth in cease where any baylyfe, Chãberlayne or receyuour, which ought to yelde his accompt, will not accompt yelde, thã he to whom that compt ought to be giuẽ shal haue the sayd wryt. And the proces is Somon ad dystres, and for defaute of dystres, z. Capias and an Exigent which shalbe proclaymed in fyue cõtyes. And know ye that by the statute of Westm. 2 Cap. 11 whych begynneth, De seruientibus balliuis, that the baylyfe rendre accompt, and yf he be founde in arrerages these Auditours which are to him assigned hath power to commit hym & deliuer him to ỹ next gaole, & there to abyde

proces.

vnder good kepynge vnto he make gree, but yf he be sued, & in the suyt outlawed wherby he is taken and put in prison in the gaole, thā he is replevisable. And let the shyryfe, Baylyfe, or Gardeyne of the gaole take good hede that he be nat let to mayntayne wythout wryt especyally to hym directed vpon the sayd matter, or to out the kynges lycence, yf he do, he shall yelde to the lorde hys damages, and that wyl the statute aforesayd, and know ye that executours of executours shal haue an accion of det, of accompt of goods taken of the fyrst testatour in the same maner as he sheulde haue yf he were in full lyfe. And knowe ye that the same executours shall answere of so muche as they haue recouered of the goodes of the fyrst testatour, as the fyrst executurs if they were on lyue. And that wyl the statut of Wynch. yf thyrd. An. 13. De provisoribus bicinalib. Cap. 5. And knowe ye that the statute of Weſt. 2. Cap. 23. executours shal haue a wryt of accompt, and the same accyons & pces as the testatour shulde haue had yf he were on lyue. And also by the statute of Edwarde the thyrde. Anno. 4. Capi. 8. executours shall haue an accyon of Trespas made to theyr testatour, of goodes and cattels of the testatour take awaye in the lyfe of the testatour, for to

recouer

recouer damages agaynste the trespas-
sour in the same maner, as these to whō
they are executours shoulde haue if they
were on lyue. And also by the statute of
Marl. Capi. 17. whych begynneth. Pro-
uisum est etiam. &c. yt the Gardeyne in
socage make waste the heyre whan he cō-
meth to hys full age shall haue a writ of
accompt agaynst the Gardeyne, in thys
maner. Si A. fecerit. &c. tunc sum. &c. B.
quod sit. &c. often. quare cum de cōi consi-
lio regni nostri Anglie prouisū sit: quod
custoꝺ terrarū & tenemētorum que ten-
tur in socagio hereꝺ terrarū tenement cū
ad plenā etatē pueniunt reddāt rationa-
bile cōpotum suum de exitibꝫ terrarum &
tenementorū puenient de tēpore quo cu
stodiam illam habuerūt ratione minoris
etatis hereꝺ predictorū. idē B. petat A.
rationabile cōpotū suū de exitibꝫ prouē
nient de tris et tenement ipsius A. in M.
que tenentur in socagio, et quorū custoꝺ
idem B. habuit dum petat A. infra etatē
fuit reddere contradicit, vt dic. &c. teste. &c
And knowe ye that yf the plc be in coūty
by a writ of accompt the party pleintyf
may remoue the plc into the comon bāk
by the Bone, as in a repleuyn. And also
it may be remoued al the suit of the defē-
dant, but nat without good cause, and it
is to knowe, that in the Eschecker at the

suyt of the Cytezins of Londō, it was awarded that there where a man implea-deth another by wryt of Accompt, or by pleint after the blage, and Auditours be assygned by the court, the party shal nat haue a wryt of Ex parte talis but there where the lord assygneth auditours the the pty shal haue a wzit of Ex pte talis.

Addition.

w.ij. y.vi. ☞ The wzit was brought against a woman, & it was chalenged for that, þ ther is no suche fourme in the Chauncerye, & natwithstandyng it was awarded good.

y.xliiii. E.iii. ¶ The wzit was tempe, quo fuit balliu⁹ suus in C. & the wzit was chalēged for þ that there is CC. and one without addition, & the wzyt awarded good.

y.xxxi. E.iii. ☜ The wzyt was tēpe quo fuit balliuus sui p̄dicessoris, & was chalenged for that, þ at the c-mon law he had no acciō & the statut helpes him nat, but the defendaunt durst nat demure in law.

w.xxii. E.iii. ☞ In a wzyt of Accompt against a gardeyn in socage it was not shewed by the wzyt, ne by the declaracion þ he is next frend, for the which wzyt was chalēged and nat alowed.

An.i.h.vi. ☜ In accompt of, x.li. by the hands of A, B. the defendant said þ he made a dede to the pleyntife, & to the same A. B, whiche testifyeth the receyte iudgement wout

out shewyng the dede, this is a good ple in discharge of accompt, & nat in barre.

¶ In accompt of the receyte of C. li, the defendant sayd that accord was take by twyxt the pleyntyf and the defendant by theyr trendes that the defendant in full satisfaccion, shal make to the pleyntyfe an obligacyon of the sayd C. li. for al dettes, detenues, and encreacementes that the sayd pleyntif may encreace by reaō of the receyte. &c. And that was holden a good barre. A.xxii. b.vii Quere.

☞ It is a good ple for the defendant to say that he hath accōpted afore the pleintyfe selfe at suche a place. b.iiii. E.iii.

☞ In accōpt against one as receyuour the defendant sayd that the pleyntif delyuered ỳ money to him, & that he shulde go to a Lumberd for to make exchaunge and to receyue letters of exchaunge by force of wyych he receyued the letters, & these delyuered to the pleintyfe without that he was hys receyuour in any other maner, this was holden good barre. b.v. b.v.

☞ These ples folowyng be in discharge of accompte.

☞ In accompt the defendant said, that after ỳ receite at N. the mony was robbed fro him by cerreyne felons, and that is a good ple in dyscharge of accompt. W.ix. E.iiii.

☞ In accōpt the defendant shal say, ỳ b.xii. h.iiii

after the receyte that the pleintife granted to him, that he may receyue the sayde money in ỹ name of paiment of another sõme, which he ought to the defendant.

y.iiii. E.iii. ☞ In a wrytte of Accompt, it was supposed that the defendaunt hath receiued CC.li. the defendãt sayd as to C.li. you your selfe receiued ỹ sayd C.li. by a dede that here is which testifieth the same receite ỹ that was holde no barr, but afore auditours the ple shalbe allowed.

y.xii. y.vi. ¶ If Auditours be assygned, ỹ the partyes be at yssue afore thẽ, the Auditours shal bryng the record to the Justyces of the comon place, and record all that, that was made afore them,

w.xxii.E.iii ☞ If a man accõpt afore ỹ pleintif selfe he may nat award him to pryson, for he may nat be his owne iudge, by which he shalbe awarded to accompt of newe.

y.xvii.h.vi. ¶ If a man be found in arrerages vpon hys accõpt, and the auditours suffre him to go at large, at another time after they may nat awarde him to pryson.

T.ii. y.iiii. ☞ If.ii. executours be, and the one receyue money due to the testatour his coexecutour shal nat haue an accyon of accompt agaynst hym for that money. The same lawe is of two marchantes which hath goodes in comon.

But

☞ But if two haue a ward in comen & the one take all the profytes, ỳ other shal haue a writ of accõpt, & recouer ỳ halfe. P.xxv. E.iii.

¶ Know ye ỳ a writ of accõpt lieth nat a gainſt an infant, for he hath no diſcretiõ W.x. v.vi.

☞ A writ de Ex parte talis.

A writte de Ex parte talis is ſuch.

PEr vic' Thes. et baron' ſuis de ſcacario ſalutẽ. Et parte W. capt & detẽt in gaola nra de N. pro arr' compoti ſui, quibus J. de C. ipſũ aſſerit ſibi tenẽ de tẽpore quo fuit ballivus ſuus in S. uobis eſt oſtenſ' q cũ auditores cõpoti predicti ipſũ W. ſup eodẽ compoto iniuſte grauauer' oñanſ ipſũ de receptis, que non recepit expenſ aut liberationes rationabiles, et quia pfato W. iniuriari nolumus in hac pte vobis mandamus quatenus manucapt' ſuffic' pfato W. capiat' in forma pdicta, et ipſũ a priſona pdicta de liberari fac' put iure & ſcom formam ſtatut' fuit faciẽd' manſ tamẽ cuſtodi priſon' pdicte, q ad certũ diẽ et locũ quos ei ſcire fac', venir' fac' predictũ W. cũ rotul' et tal', per quos compotus ſuum pdicto A. reddidit ad faciend' inde & recipiẽd' in ꝯmiſſis, qđ de iure & ſcom formam ſtatuti predicti iuſtitia ſua debet. Et q pdictum W. ſ geola pdicta prout. Scir' interim deliberari fac': teſte: &c.

☞ A writ of Det.

A writte of det is ſuch.

REr vic' ſalutẽ. precipe A. q. &c. reddat B. x. libras quas ei debet et iniuſte detinet, vt dic'. Et niſi fecerit te ſetur' de. &c. tunc ſum. &c. Predictum A. q ſit. &c. oſtenſ: quare nõ fecerit te habeas ibi ſum & hoc bre teſte: &c.

THys writte lyeth in caſe where any ſõme of mony is due to a mã by reaſon of any loue, or of any other

J. iiii. con-

contract to be payed at a certeyne day, or yf any be bound to any other to pay a certeyn some of money, at a certeyne day, at which day he payeth nat, nor wyl nat pay, thā he to whom the det is due, shall hauc the sayd wrīt. And the pces in thys wrīt is Somons, Attachemēt, & distres and for defaut of distres. z. capias and an erigent pclaimed in fyue countyes. And know ye, that yf a wrīt of Dette, Tresspas, or Accompt be brought agaynste an Archebyshop, Erle, or baron, ỳ are lords of the parlyament, no pces of outlawrye lyeth against them, but al tymes distres. And ỳ cause is for that, that it is supposed ỳ they haue sufficyent, wherof they may be dystreyned. And know ye, that a wrīt of Dette may be pleaded in coūty, yf the det amoūt nat to. xl. s. As it appereth by the statute of Glē Ca. 8. whych beginneth. Purueu est enlement que de plēd. &c. And if the det be of. xl. s. or more than it shalbe pleaded in the comō banke afore the Justyces by wrīt. And know ye that if a cōtracte or couenāt be made to executours of a det by reasō of goodes sold, whych were to the testatour to pay at a certeyn day whych day is past, and he bryng a wrīt of Dette, the wrīt shal say. Quos et iniuste detinet: but dic: & nat debet; & the cause is for that, that the debet:

pluces.

bet: ſuppoſeth ꝓperty to the executours and the executours may nat haue ꝓperte of thynges whych were.

¶ Addicion. T.iii.R.ii.

☞ Know ye: that ſometimes a mā ſhal be charged of a cōtract made by his wife bayliffe ſeruaunt other, or other ſuch ꝑſons, bye ſhepe or other ſuche thynge to my vſe. I ſhal anſwere for that det, and the pleyntyfe ſhal nat ſhew in his declaratyon that the bayly hath warrant to by for me, but for that, that they come to my vſe, I ſhalbe charged.

☞ But after Newton, if my ſeruant or wyfe bye certeyne thynges, though they come to my vſe afterward. I ſhal nat be charged, but if he bye to my vſe, & toyne the byinge to my vſe at that tyme of the contract made, thā I ſhalbe charged if it come to my vſe. Quere of this diuerſitie. h.xx. h.vi.

☞ But if a wyfe bye in open market ꝑ huſbande ſhal nat be charged for that, if it come nat to the vſe of the huſband, for it may be that it ſhalbe charge to ꝑ huſbande, and the huſband ſhal nat be charged of a cōtract made by ꝑ wyfe in ſuche maner, but if I cōmaūd my wyfe to bye thynges neceſſary, &c. I ſhalbe bound by that cōmaundement, but if my wyfe bye thynges to kepe my houſhold, as breade and I haue no knowledge of ꝑ, thoughe Quere. T.xiii.h.vii

it be spēt in my house, I shal nat be charged for thē. By Fyncux chiefe Justyce.

h.xiii. E.iiii. ☞ In dette the pleintyfe declareth vpō a contract, that is to say, yf the p'leintife take the doughter of the defendāt to hys wyfe, that the defēdant shal gyue to him xx.li. and the pleyntyfe said that he toke to wyfe the doughter of the defēdant. &c. Fynch. he demaundeth hys det by cause of a contract whych toucheth matrymony, iudgement yf the court wyl hold ple, and nat allowe. &c.

h.xlviii. E.iii. ☞ Det agaynst. ii. by one writte vpon an obligacyon, by whych these. ii. were bounde toyntly, and euery one seuerally in the hole, & the one come by the capias and the other made default, & the pleyntyf declared agaynst hym that came. And Fynch Justice sayd that the pleyntif vpon this obligation, myght haue demaūded this dette agaynst them toyntly or seuerally at his election, & by the maner & he hath nowe taken his writte, the one shall nat answer wythout the other, for whych cause he that commeth shal haue Idem dies by mayntyns.

ps. xxxviii. E.iii. ☞ In a writ of Dette, the pleintyfe declared that the defendant bought of him certeyne beastes & other thynges to the value. &c. And the defendant sayd that & pleyntife had nought in & thynges solde

but

but as executour to one J. the which J. made the playntif, and one W. as executours, ꝑ which W. is nat named in this writ, iugement of the writ, & for that, ꝑ the playntife hath declared of a contracte made betwixt thē, so that defendant is become dettour to the playntife the writte was awarded good.

☞ Know ye that it is layd in a writte of waste &c. that if a woman beyng bounde in an obligacyon take a husband, ꝑ husbande shalbe charged of the det durynge the life of hys wyfe, and after her death he shalbe dyscharged except the iudgement be gyuē agaynst hym in the lyfe of hys wyfe. W. xlix. E. ij

☞ Note ye that it is layde yf a man be bounde to a woman sole & the wyfe take a husband, & the day cōprysed wythin ꝑ obligacyon passeth durynge the maryage yf the husbande dye wythout releasyng or acquitynge ꝑ obligour, the wyfe shall haue an accīō of Det vpon that obligacion after the death of the husband. Quere if the executours obteyne ꝑ obligacīō, if they shal haue the layd obligacyon. T. xii. R. ii. Quere.

☞ A writ de Cattalis reddendis.

REX vic̄ salutē. Precipe A. q. &c. reddat B. catalle ad vallen. x. l. que ei iniuste detinet & vt dic̄ & nisi fecerit, et predictus B. fecerit te securū de clam̄ suo proseqū, tunc sum̄. &c. A writte de catallis reddendis in such

This

This writ lieth, where any goodes are deliuered to any man to kepe vn to a certeyne day at whych day he cõmeth and demaũdeth his goodes, and the other withholdeth thẽ, than he shall haue this writ. And the proces is as in a writ of accõpt. And that is giuen by ỹ new statutes of E.3. An. 25. de prouisor. victualium. Ca. 17. that is to say somõs attachement, & distres, proces of vtlawry and these proces is gyuen in detynue of goods, as in a writ of Accõpt. vt pz supꝛ. And it is to know that in a writ of Detinue there shalbe said, que ei debet. Me in a writ of Dette, if executours aske of executours goodes or dettes, the writ shall be all tymes q̃ iniuste detinet. And afore the Justices of the banke. Quos ei debet et iniuste detinet, excepte it be of goodes thã the writ shalbe. Que iniuste detinet tm̃. And if the dette be demaunded afore the Justyces in Eyre, the writ shalbe, quos ei debet tm̃. And yf it be of goodes, que iniuste detinet tm̃. And yf the plee be of dette, or detinue amountyng to ỹ sõme of. xl. s. or aboue, and is pleaded in couty or court baron without writ, the partye shal nat haue a writ of false iugemẽt, ne a writ of execution iudicii, except to the courtes of Cyties or in other places that hath iurisdiction by custome. And also if

proces.

the

the ple of dette be moued in conuty that amounteth to the somme of.xl.s.or more the party defendant may haue a Superscedias directed to the shirife that he cesse in the plee. And note ye: that a man may haue a wrpt of Bone memorare in these wrpts as in a writ of Accompt. And also a mā may haue a Supsedias dyrected to ꝑ bailifes of any court, if they holde plee of Det or of goodes that amounteth to xl.s.or aboue. And also in many other cases touchynge dette or goodes, as it appereth by the Register. And note ye: that certeyne prroces is gyuen agaynst executours: & delayes put out in such plees by the statut of E.3. An.9. Ca.3. If a mā die intestate, & the ordinary make deputye ꝑ most next frende of the deed for to mynyster his goodes, these deputies shal haue anaccyon to demaunde dettes due to the deed person as executours shal, & ānwer in the kynges court to other, to whom ꝑ said dead plon was bounde in obligacō in lyke maner as executours shal answere & are accꝰptable to the ordinaries as executours are. an.31. E.3. Ca.11. And also by Westm.2. Cap.16. which begynneth Cū post mortem. &c. the ordinary shal answer of the dette in which the dead was bounden as farre as the goodes sufficeth in lyke maner as executours shulde of ꝑ dead

deade had made hys executours. And in case ỹ the ordinary make hys executorus & dye afore that these dettes whyche the dead ought be payed, thã these to whom the sayd det was due, shal haue a writte of Detinue against the executours of the ordinary. An. 11. E. 3. And in an. 15. E. 3. one Robert Pykeringe brought suche a-gaynst the executours of the ordynarye.

Nota. Note of what by-alymētes & possessions of goodes, a man shalbe charged.

Addicion.

w.ix. ỹ.vi. ☞ If I make a writynge sealed, and ỹ deliuered to I.S. vpon certeyne condy-cions to be perfourmed, & thã to delyuer to R.M. and R.M. obteyne the deede, the condicyons nat perfourmed, I shal haue a writ of Detinue agaynst I.S.

ỹ.ix. ỹ.vii. ☞ If my father delyuered to R. a deede of feoffement to delyuer to hym & to hys heyres, & one I. obteyne the dede, I shal nat haue accion against I. if I haue nat the land, for if a straunger haue the land the dede belongeth nat to me, for it belō-geth to the executours.

ỹ.vi. E.liii. ¶ But yf I be enfeoffed by dede wyth a warrāt, and after I enfeoffe another in fee, and bynde me and mine heire to warrant & dye, yf any haue the dede by whi-che I am enfeoffed, my heire shal haue a writ of Detynue, and so if my father be

disseysed,

diſſeyſed and dye, I ſhall haue a wꝛyt of Detinue though ꝓ I haue nat the lande. And of Chartours taken out of my poſſeſſion, my executours ſhall nat haue action of Detinue.

☞ A dede oꝛ any other thyng delyuered to a monke vpon condicion to redeliuer, a man ſhal nat haue an action agaynſt the Abbot & hys monke, foꝛ the monke maye nat charge the Abbot agaynſte hys wyl. but of a delyuere made to a mõke to deliuer ouer to the Abbot vpon a condycion &c. yf the Abbot perfourme that, than he ſhal haue the thing foꝛ euer, nowe ꝓ Abbotte ſhalbe charged alone, wythout namyng the monke wyth hym. T.i. b.iiii

☞ The ſame law is of a delyuere made to the huſbande and to the wyfe, ꝓ wꝛyt ſhalbe bꝛought againſt ꝓ huſband alone. otherwyſe the wꝛyt ſhal abate. b.xxxviii. E.iii.

¶ But if a woman come to a thynge as executrix, whyche woman taketh a huſbande, nowe the action may be bꝛought againſt the huſbãd and the wife ioyntly. T.xxxix. E.iii.

☞ And if the wyfe haue coexecutour wher, it is no ple foꝛ her and her huſbande to ſay ꝓ her firſt huſbande made hys executours, we the ſayd huſbande & wyfe, & one J. which is in ful life nat named. &c. foꝛ the poſſeſſion chargeth hym. T.xli. E.iiii.

¶ Note ye, that a man ſhal haue a wꝛit Pa.xli.

of Detinue agaynst the husbande & hys wife of a deliuere made to the wyfe wyth the was sole afore the marryage.

pa. vi. p. ix. ☞ In Detinue of Chartours, ỹ tenaũt may pleade a deliuere in another coũtye and the reason is, for that, that he maye nat wage hys lawe.

pa. viii. f. iiii. ☞ A man maye nat wage hys lawe in Detinue of Chartours.

p. vi. f. iiii. ☞ But in Detinue of twenty quarters of wheate, he may wage hys lawe.

p. iii. pa. vii p. vi. ☞ And if. ii. wrytes be brought by dyuers pleintyfes agaynst the defendaunt of any thing, he may pray that they may interpleade, as if. ii. bryng seuerall wrytes of Detinue against one of one obligacion, & euery one declare a seuerall deliuere made by thẽ, in this case they shal enterplede notwithstandynge the declaryng of seuerall deliueres, for that ỹ it is nat trauersable, but cõueiaũce to ỹ acciõ

Anno. xiii. p. vi. ☞ If. ii. wrytes be brought agaynst one man of one thyng, and the one pleyntife declare of one delyuere in the countye of S. and the other declare of a delyuere in the countye of W. in thys case they shall nat interpleade, for it may nat be indented one delyuere of one thynge, and the defẽdant shal ãswer to both ỹ pleintifs.

T. xviii. f. lii. ☞ But if the defẽdant cõfesse the acciõ of one of these pleyntyfes, the other shal haue

haue his remedy by his accion, and they shal nat interpleade.

¶ And if the parties be awarded to enterpleade, he that hath the wryt of elder date ought to declare fyrst. W.iii. b.vi.

¶ Note that when the defendaunt in a wryt of Detinue prayeth garnischement he is out of the court maintenaunt for to plede any ple, but hath day in court to deliuer that, þ the pleyntyfe demaundeth to hym to whom the court awarded. W.xii. b.iiii.

¶ If I and another delyuer a thing to kepe and to redelyuer to bs, or to the one of bs, in an accion brought by one of bs, it was sayd that þ deliuerye was in maner voide, for it is in no certeyne to whō it shalbe deliuered, but admytte that the accyon was brought by the one of bs. b.xii. b.iiii.

Quer. If the garnyschye shal haue the ple in abatement of the writ for to shew the matter in so muche that the defendaunt hath admytted the wryte good. And the opynyon was that the wryt brought by the one shal avate. Quere.

¶ A wryt de Catallis nomine districtionis.

THys wryt de Catallis nomine districtionis captis reddēs may nat be mayntayned in no place but within a borough, or within a house for rent going out of the same house where a mā A wryte de catallis nomine districtionis is such

may take the doores windowes or gates

A writte de Cartis reddendis.

A writte of Cartis reddendis is such

REX vic̃ salutem. Precipe A. q. &c. reddat B. quandam cistam est cartis scriptis et aliis muniментis ac diuersis cartis et bonis in eadem cista contentis sub serura ipsius B. clausam, quam. &c.

REX vic̃ salutẽ. precipimus tibi q A. iusticies q iuste. &c. reddõ B. quãdã cartam, vel duas cartas vel tres, vel quoddã scriptũ oblig. vel quoddã script cõuẽtionale, quã vel quas ei in iuste detinet, vt dic̃, sicut rationabiliter monstrare poterit, q ei reddere debeat. Ne amplius inde clam̃ auõ pro defectu iustitie: teste.

THys writ lyeth in case where any writinges or Chartours of feoffement are delyuered to any man to kepe, and he to whõ the writinges were delyuered, wyl nat them redelyuer, whã ỹ other these demaũdeth shal haue thys writ. And knowe ye that it is conueniẽt for hym to shewe the certeyntye of thys Chartours dimaũded, or otherwyse this writ shal nat be mayntened. And the pces is somons, attachement, and distres vnto the partye come. And no proces of outlawry lieth in this writ, for that, that it toucheth freehold. And in ple that toucheth freehold, no proces of outlawry is gyuen, but by the newe statutes of Ed. ỹ thyrde Capi. 23. Proces of outlawry is gyuen in a writ of Dette: Detinue of goodes, as in a writ of accompt.

A writte of Audita querela.

Rex Justic suis de banco salutē. Ex graui q̄rela J. actipimus q̄ cum idem J. nuper coram J, de W. tunc maiore vil̄ W. et U. de S. tunc clerico. ꝛc. recognouisset se debar B. C. li ad certos terminos indicta recognitione contenc̄ soluendō. ac idē A. post modū per quandā indenturā inter ipsos A. et J. concessit: q̄ si p̄dictus J. soluerit predictō A. singulis annis ad iiii. anni terminos p̄ equales portiones quendō redō. xl. s. exeūt de terris et tenīs predicti J, aut R. fratris eiusdē J. in villa de N. et in suburbio de N. ad totā vitā ipsius A. q̄ tunc p̄dicta recognitio C. li. penit cassaretur, ꝛ p̄ nullo haberetur, put p̄ alterā partē indēture p̄dictē p̄ dictū A. sigillat quā idē A. penes se habet vt asserit, plenius poterit apparere. Et licet p̄dictus J. dictū redditū. xl. s. p̄fat A. singulis ānis ad terminos p̄dictos equis portionibus a ipe recognitionis p̄dicte confect vsq̄ ad festū paschē An. iii. bñ ꝛ fideliter soluerit, et eundē redditū eidē A. sēp actenus a festo p̄dict vsq̄ ad cosē terminos soluere paratus fuerit ꝛ ad huc existat, prout vicibus ꝛ modis quibus libet cōuenit paratus est soluere eidē A. executionē dictarū C. li. de terris et tenīs ipsius J per tertū recogn̄ p̄dict p̄sequitur minus iuste in ipsius J. nō modicū grauamē. Et cōtra vim et effectū indēture p̄dicte. Et da eidē J. iniuriari nolumus in hac pte vobis mandamus: q̄ visa altera parte indēture predicte et vocatis coram vobis partibus p̄dictis auditis que hinc inde earū rationibus viterius in hac pte fieri faciatis, quod de iur̄ et secundū consuetudinē regni nostri Anglie fuerit faciendō teste. ꝛc.

A wryte de audita querel. o such.

THys wrytte lyeth in case, wher a man is holden to another, in a certayne somme of money, by statute

marchaunt, to pay at a certeyne daye: or otherwyse, that he shal forfayte ꝑ penaltye of the statute marchant, wtin whiche day, the creãsour releaseth to the dettour the same sõme, or otherwyse by couenãt of endẽture betwixte thẽ made, that is to say, that the dettour shal pay to the creãsour a lesse sõme of money euery yere by lytel parcelles vnto the same sõme be ful ly contented & paied, & yf he do, than the other shal nat sue the statute, than natwstandynge the release or indenture, the creansour sueth to ꝑ Maire and bailifes for execucion of the statute, that is to say that the dettour be taken, & put in prison vnto the det be payed, thã he to whom ꝑ release or indenture was made, or hys next frende, shal come to the Chaunceler and shewe the release to hym, than hys wryt shalbe graũted & dyrected to one of the Justices of the comon banke, & after that he shal haue somons out of ꝑ comon banke to the shyryfe in what countye so euer that the creãsour is in, to cause him to come at a certeyne day, at whych day yf he come nat than he shalbe distreined, and yf he come nat at the dystres returned, the other shalbe restored to his land.

¶ Addicion.

p. xiii. E. iii. One was taken by a Capias vpon a certificat of a statut marchaũt, & shewed for

for acquitaunce of the pleyntyf, & prayed that he myght be demaunded, and so he was, and appered nat, wherefore the defendaunt prayed that it be recorded, & to him it was denyed, for that: that he hath no day in court, wherfore he prayed a Wenire fac, or a Scire fac, against the pleintyfe to answere to the deede, and to hym it was denied, & it was awarded that he shal sue Audita querela, or els he shall be wythout remedye. W.xliiii. E.iij.

¶ The wryt of Audita querela reherseth howe the recognise hathe released all actions by hys deede, and also that he hath released by endenture upon certeyne condicions the whyche was fulfylled, & the wryt was chalenged for that, þ it reherseth these.ii. tytles, where one extynguysheth the hole, wherfore þ court awarded, that the pleyntyfe shal holde hym to the one and so he held hym to the release. W.xxviii. E.iii.

☞ Note that it behoueth al tymes that the Audita querela make mẽcion of the release, acquitaunce or defendance, for otherwyse the pleyntyfe shall nat haue a Supersedias.

¶ Knowe ye that if one Audita querela be chalenged, for that, þ it dothe nat accorde to the statute, and the recognysour putteth afore another wryt of Audita q̃rela, & prayeth that the defendaunt may T.xxv. E.iii

anſwer to his dede, in this caſe if the defendant wyl nat anſwere (now whan he hath day in court to anſwere) to this. ij. wrytte, than a Venire fac vpon ꝑ two writtes ſhalbe awarded, & a Superſedias to the ſhirife, & that is a dyſauauntage of the defendant ꝑ the firſt writ is abated

¶ A wryt of Si recognoſcat.

A wryte of Si recognoſcat is

REx vic̃ ſalutem. pręc̃ tibi ꝙ ſi A recognoſcat ſe debere R. xl. ſ. ſine vlteriore dilatiõe: tunc ipſũ diſtringas ad predict̃ debitũ eidem R. ſine dilatione redd̃. teſte. ꝛc.

THys wryt lyeth where anye man oweth to another a certeyne det, & the dettour knowlegeth afore the ſhyryfe in hys county that he is dettour to ſuche one, than he to whom he is dettour after the recognyſannce made ſhall haue the ſayd writ. And by thys wryt he ſhalbe diſtreyned vnto he hath made gre to the partye for the dette. And note that this wryt lyeth nat, but of mony nõbred

¶ A wryt de Executione faciend̃a.

A wryte de Executione faciend̃a is ꝑ ſuche:

REx vic̃ ſalutẽ. Nõſtrauit nobis B. ꝙ cũ ipſe nup̃ implacitaſſet in com̃ tuo ꝑ bꝛe nr̃ũ A. de debito C. ſ. ꝛ idẽ A. in pleno com̃ illo recognouit ſe debere ꝑfato B. eãdã pecuniã ad certũ terminũ redden̄. tũc termino illo elapſo ꝛ eã dẽ pecuniã eidẽ B. nondũ ſoluit illã ad querimoniã ſuã ſcõm recognitionem pręc̃ huiuſmõdi hẽre nõ feciſti in ip'ius B. dãpnũ nõ modicũ ꝛ grauamẽ. Et ꝙ idẽ A. put iuſſũ fuerit ſubueni re volumus in hac ꝑte tibi pręc̃, ꝙ ſi ita eſt pecuniã illã de bonis et catallis ipſius A. in bal

liua

lius uis leuar & illã eiõ B. hẽre fac̃ sine dilat ne clam̃ ad nos inde, puenias iteratus: teste. &c

THys wryt lyeth where a man impledeth another in cõsty before ỹ shyryfe, and he that is the dettour maketh there a recognisaunce before the shyryfe to pay to the pleyntyfe the same sõme at a certeine day, the which day is past and the some nat payed, nor the recognisee wyl nat paye the sayd sõme to ỹ pleyntyfe, than the pleyntyfe shall haue the said wryt that is called de Executiõe faciend̃, de recogñ facta in cosm̃, dyrected to the shyryfe cõmaundyng hym that he make execution of the same knowledge.

¶ A wryt de Secta molendini.

A wryte de secta molẽdini is such

REX vic̃ salutẽ. pcẽ A. q̃ iuste et sine delatione fac̃ sectã ad molendinũ R. de C. quã ad illud facere debet et solet vt dic̃. Et nisi p̃dictus B. fecerit. &c. tunc sum̃. &c. q̃ sit. &c. osteus quare non fecerit, Et habeas. &c. teste. &c.

THys wryt de Secta molẽdini (beyng in the debet a solet) is a wryt of right & it lieth betwyxt straũge parsons for suche suyte withdrawẽ. And yf ỹ lord aske suyte of his tenãt, he maye distreine & auowe the distres to be resonable. And that was vsed in the tyme of E. sonne of kyng H. and suche wryt may be made in the county & in the banke, as it appereth by the Register.

A wryte de quod permittat.

A wryte de quod permittat is such.

REx vic̄ salutē. Precipe A. quod iuste. ꝛc. & sine dilatione permittat B. hēre com̄ pasturam in N. de qua C. pater prędicti B. cuius heres ipse est fuit seisitus: vt de feodo tanq̄ pertineñ tenementum suum in eadem villa die quo obiit: vt dicit. Et nisi. ꝛc.

THys wryt lieth where a mā is dysseysed of comon pasture, & the dysseysour doth alyen and dyeth, and hys heyre entreth, or the dysseysy dyeth, than the heyre of the dysseysy, or the dysseysy selfe, shal haue the sayd wryt. And note yet̄ a quod permittat was bled: here rationabile est quarū in bosco. br̄ in turbaria et similibus. But in place of thys wryt is giuen Assyse of Nouel diss. as it is said in the statute of Westm. 2. Ca. 25 which begynneth. Quia nō est aliqō br̄e ꝛc. For by the statute is ordeyned: that if any be dysseised of his turbary, fyshing or of any other such lyke þ belongeth to hys freholde for terme of hys lyfe at the leste, he shal haue Assise of Nouel dysseysine. And also by the statut of Westm. 2. Cap. 24. whyche begynneth. In quibus casibus. ꝛc. þ if any persō of holy church be dysseysed of hys comon of pasture (leuynge the dysseysour) he shal haue Assyse of Nouel dysseysyne of comon of pasture And in the same maner wyl, that the successour shal haue a wryt of Nō permittat

against

agaynst the dysseysour or his heyre. But in case where they are many comoners, which hath comō of pasture togither by dede or couenaunt. And þ the lorde leaue vpon the comon a mylle or a backe house The comoners shal nat haue Assyse of nouel diss. but shalbe helped by the cōmon lawe vppon theyr couenaunt or especyalty. And that is gyuen by the statute of Westm. 2. Ca. 46. which beginneth. Mā in statuto. &c. in the ende. And note ye: þ whan this writ is in the debet without the solet, a man ought to declare of þ seyson of his auncestour, and shal holde hys supte derenued good, than lyeth battaile or great Assyse. And whan the writ is in the debet and the solet, and a mā shal declare of his owne seyson, & nat to say, to hold his supt derenued good, & thys writ shalbe tryed by the enquest. And thys writ shalbe pleaded as a writ of trespas by attachemt & distres & nat by þ graūd Cape or petit Cape. And it is to knowe, þ yf a free tenaunt be put out of hys comon of pasture by hys lorde, or yf the lorde hath approued cōtrary to the statute of Marton. Cap. 4. & against the statut of West. 2. Ca. 46. so þ the tenaunt hath no sufficient pasture, he shal haue Assyse of Nouel diss. of comon of pasture. And yf þ pasture be surcharged by one fre tenaunt,

they shal haue a writ of Admesurement. But yf the tenant surcharge the pasture the lord shal nat haue a writ of Admesurement agaynst the tenant, nor the tenãt agaynst the lorde, but the lord shall haue Assyse of Nouel disseysine de libero tenemento, ꝯ hoc dubitat. And knowe yet a writ of Mõ ymittat may be pleaded in ꝑ courtye before ꝑ thyrtye & it may be in the debet & solet, or in the debet wout the solet, accordyng as the demaundant claymeth. And yf a man dysseysed of hys comon of pasture, & the dysseisoure dyeth & his heyre entreth, the disseysye shal haue a writ of Mõ ymittat, & shal make mencion of the dissesion. And if after ꝑ death of the dysseisour or his heyres a straūge purchasour entreth, he shal haue a Mõ ymittat in the debet & solet, whyche shall try the ryght. And yf he demaūd comon of pasture of the seysen of hys aūcestour the day of hys death, he shal haue a writ of Mõ ymittat, that shall make mencyon of the seysen of his aūcestour, the which is in nature of Mortũ. But if a straūger entre after the death of ꝑ dysseysoure, he shal haue against the straunger no other writ but the Quod ymittat in the right. And know ye that a qõ ymittat lieth of comon turbarye, kyschinge, & of reasonable estouers agaynst the disseysours of a

dissey-

diſſeiſine by him or his anceſtours made to the pleyntyfe or his aunceſtours, & in no other degres. ☞ Note ye: that in the Quod permittat, that is of the nature of ꝑ Mortdãceſtour may nat be pleaded in ꝑ county. But the Mõ permittat ad certũ numerum auerior̃ maye well be pleaded in countye in the comon banke, or in Eyre.

☞ In a Quod permittat in the debet & ſolet, of a way of his owne ſeiſon, it is cõuenient for the pleyntyfe to clayme the way in hys declaration by preſcripcyon or by deede: for that, that he claymeth to take ſuche profyte in the ſeuerall of another parſon. Addicion. T.xxx. h.vi

☞ Note ye: that yf a man & al hys aunceſtours were wõt to grynde at my myl wout multure, and the mylner wyll nat ſuffre hym to grynde wythout multure, wherby the mylner taketh multure. In thys caſe a man ſhal nat haue wryte of Quod permittat, but a wryt of Treſpas w.xli. E.iii.

☞ And note ye: that ther is, iiii. maners of Comon (that is to ſay) Comon appendaunt. Comon appurtenaunt, Comon in gros, & Comon par cauſe de vicinage. Notis.

☞ Comen appendaunt: is there, wher a mã is ſeaſed of a maner to whych he hath comon in other ſeuerall appendant to ꝑ ſame maner. And this comon may nat be occupyed, but with his proper beaſtes, & y.iiii. h.vi. An.xi. h.vi.

ſuche

they shal haue a writ of Admeasurement. But yf the tenant surcharge the pasture the lord shal nat haue a writ of Admeasurement agaynst the tenant, nor the tenãt agaynst the lorde, but the lord shall haue Assyse of Nouel disseysine de libero tenemento, q̃ hoc dubitat. And knowe yet̃ a writ of Mõ ymittat may be pleaded in ꝑ courtye before ꝑ shyryfe & it may be in the debet & solet, or in the debet wout the solet, accordyng as the demaundant claymeth. And yf a man dysseysed of hys common of pasture, & the dysseisoure dyeth & his heyre entreth, the disseysye shal haue a writ of Mõ ymittat, & shal make mencion of the disseison. And if after ꝑ death of the dysseisour or his heyres a straũge purchasour entreth, he shal haue a Mõ ymittat in the debet & solet, whych he shall try the ryght. And yf he demaũd comon of pasture of the seyson of hys aũcestour the day of hys death, he shal haue a writ of Mõ ymittat, that shall make mencyon of the seyson of his aũcestour, the which is in nature of Mortõ. But if a straũger entre after the death of ꝑ dysseysoure, he shal haue against the straunger no other writ but the Quod ymittat in the right. And know yet that a qõ ymittat lieth of comon turbarye, kylthinge, & of reasonable estouers agaynst the disseysours of a

dissey-

diſcretlyne by him or his auncestours made to the pleyntyfe or his aunceſtours, & in no other degres. ☞ Note ye: that in the Quod permittat, that is of the nature of ỹ Mortdãceſtour may nat be pleaded in ỹ county. But the Mõ permittat ad certũ numerum auerior̃ maye well be pleaded in countye in the comon banke, or in Eyre.

☞ In a Quod permittat in the debet & ſolet, of a way of his owne ſeiſon, it is cõuenient for the pleyntyfe to clayme the way in hys declaration by preſcripcyon or by deede: for that, that he claymeth to take ſuche profyte in the ſeuerall of another parſon. Addicion. T.xxx. h.vi

☞ Note ye: that yf a mans al hys aunceſtours were wõt to grynde at my mylwout multure, and the mylner wyll nat ſuffre hym to grynde wythout multure, wherby the mylner taketh multure. In thys caſe a man ſhal nat haue wrytte of Quod permittat, but a wryt of Treſpas. w.xli. E.iii.

¶ And note ye: that ther is, iiii. maners of Comon (that is to ſay) Comon appendaunt. Comon appurtenaunt, Comon in gros, & Comon par cauſe de vicinage. Notes.

¶ Comen appendaunt: is there, wher a mã is ſeaſed of a maner to whych he hath comon in other ſeuerall appendant to ỹ ſame maner. And this comon may nat be occupyed, but with his proper beaſtes, & h.iiii. h.vi. An.xi. h.vi.

ſuche

An.xxi.h.vi suche as doth rõpester hys lande.

☞And yf a man clayme comon appendaunt, he ought to claime it by reason of a messuage, otherwyse it is nat good.

W.iiii.E.iii. ☞And note: that a mã may haue comõ of fyschyng belongynge to hys house as well as comon of pasture.

W.iiii.E.iii. W.v.h.vii. ☞And know ye: that Comon appẽdãt may nat be seuered frõ the lands to whi the the comon is belõging. And if ỹ tene mentes, to which a comon is belongyng come in the possession of him ỹ hathe the land, out of which the comon is purchased, than the comon is extynguyshed in his person. And yf the tenementes afterward, be seuered by alienacyon, as they were afore, than the comon is appendãt as it was before, after Scot.

T.xxxvii. h.vi. ☞Comon appurtenaũt is whã a mã ỹscribeth to haue comõ appendant to his land wyth al maner of beastes, and thys comon may be made gros.

W.v.h.vii. ☞Comõ in gros is where a mã ỹscribeth, that he & his auncestours hath had comon in the lande to beastes wout nom bre, & he may occuppe thys comon, wyth what maner beastes ỹ he wyll, and may take beastes of a straunger to gyste. &c.

An.xxii. h.vi. ☞Comon ỹ cause de bisinage is where the towne of Dale, & the towne of Sale are adioynyng, and the lord of Dale and

hys

hys tenementes hath vsed to comon in the wast ground of Sale, because of hys neyghbourheade.

☞ And note ye: that to land newly appʒoued: a man shal nat haue comon: but to auncient lande hyd and gayne. 9.E.iii.

☞ If a mã graunt to me to comõ wyth my beastes whersoeuer his beastes go, & after he occupieth & manureth C. acres of land wyth his beastes, & after it happeneth so, that he hath no other beastes, yet I shal haue my comon in the sayd C. acres of lande. But if a man graũt to me to comon whersoeuer his beastes goeth (it is sayd) by Martyne that I shal nat haue comon, but whan he cometh. An.lx.9.vi

☞ Note ye: þ it was sayde by Fayrfax that yf one hath a way belongyng to his maner, oʒ to hys house by pʒescripcyon, this way may nat be made in gros, foʒ þ that none may take pfit of that way, except he þ hath the house, to whyche the way is belongynge. But a comon appurtenant may be made in gros, & auowson appẽdant may be made in gros: foʒ that that people may haue pfyt of thẽ, nat wstandynge that they haue nat the lande. But of Comon of Estouers to be vsed in a house, may nat be seuered and be made in gros, noʒ Comon appendant, whyche is by reason of the tenure. &c. Note.

A wʒyt

☞A wryt de Quo iure.

A wryte de Quo iure is such.

REX vi: salutē. Si. fecerit te secur. ꝛc. tunc ſom ꝛc.B.q. ſit coram ꝛc.oſtenſ quo iure exigit cōmuniam paſturam in terra ipſius .A. in. C. ſicut idē.B. nullā habet communiā in terra ipſius.A. nec idem B. ſeruitia facit: quare cōmuniā in terra A. habere debet, vt dicit. Et habeas ibi. ſum ⁊ hoc breue teſte. ꝛc.

THys wryt lyeth, wher a mā hath cōmon of paſture in another mās ſeuerall (after the time of ꝯ memorye vnto this preſent day) thā he to whō the ſeuerall belongeth, ſhal haue the ſayd wryt, by whych he ſhalbe charged to anſwer, by what tytle he claymeth to haue comō of paſture in ꝯ ſeuerall of ꝯ pleintif

Note. ☞And note ye: that the lorde maye nat put out the tenaunt of the comon: for yf he put yt out, he may haue aſſyſe againſt the lorde, for that, that the tenaunt was ſeyſed of the comon after the lymitacion of aſſyſe. But it is conuenient ꝯ the lorde haue this wryt, ⁊ this wryt is gyuen to trye the ryght. And the proces is in thys

proces. wryt, Somons, attachement, ⁊ dyſtres, vnto the party come, ⁊ whan the partye cōmeth ⁊ pleadeth in the right to the accion, ⁊ after make defaulte, than ſhall go a Graūde diſtres in place of a petit Cape And this wryt ſhalbe determined by batayle, or by graunde aſſyſe aſwel as any other wrytte of Ryght.

Addicīō

Addicion.

☞ And knowe ye, that thys writ lyeth for tenant of the grounde, but nat for hym that claymeth comon by Deede. An.ii. E.iii.

¶ A Quo iure brought by twoo, the one was nõsuit, & the other was receyued to sue sole, and the defendãt iustified by prescripcion. &c. And therfore he wẽt quyte. T.xi. y.iii.

¶ A Quo iure may be brought agaynste seuerall tenauntes. Or yf they & theyr tenants entercomon by cause of diffinage, or of tyme whereof memorye dothe nat rõne though ỹ the one gayne al his lande or inclose, yet he shall haue hys comon vb the other, and the other shal haue a writ agaynst hym for to haue his comon. y.xiii. y.iii.

☞ A writ de admensuratione pasture.

A writte de Admensuratione pasture is such.

Rex vic salutẽ. Questus est nobis A. q. B. in iuste superonerauit cõmunem pasturã suã in N. Ita q in ea plura habet animalia & pecora q habere debet, & ad ipsũ pertinet habenõ. Et ideo tibi precipimus: q iuste et sine delatione admensurari facias pasturã illã: Ita q predictus B. non habeat in ea plura animalia et pecora q habere debet, et ad ipsũ ptinet habenõ scõz liberũ tenementũ suũ q habet in eadẽ villa Et quod predictis A. habeat in pastura illa tot atali et precora que habere debet et ad iqsum pertinet haqenõ ne amplius clamat auõ pro defectu rectꝰ: teste. &c.

THis writ lyeth, wher ther are many fre tenantes whych hath comõ of pasture belongyng to theyr freehold

holde, & one of thē surcharge the comon, otherwyse than he ought, thā he that is greued by thys surcharge shal haue this wryt. And know ye: that thys writ lieth for one of ỳ comoners or for all, but they shal nat haue it agaynst the lorde. And yf one of thē bryng a wryt of Mesurement al these comōers shalbe amesured, aswell these that bryngeth nat the writ, as he ỳ bryngeth the writ. And this proces is in thys wryt, as is ordeyned in the statute of Westm. 2. Capi. 7. whych begynneth. Custodi de ceter. &c. that is to say, comōs attachement, & dystres paremptory with proclamacion made in two cōtyes. And yf the party come at the yclamacion thā the ple shal passe betwixt them. And if he come nat at the proclamacion, thā ỳ mesurement shalbe made by hys defaut.

Proces.

Addicion.

A. viii. E. ii. ☞ Note ye: that in thys wryt, it is no ple for the defendant to say, ỳ hangynge thys wrytte the demaundant put hym out of hys comon, and of that he hath al syse hangyng: for that, that he is seysed of the tenementes, for the whych he surcharged the pasture.

Entres. E. vi. ☞ If I haue comō in a maner bycause of bisinage, & the lord surcharge ỳ comō I shal haue a writ of Mesurem̄t against him: for that, that I am nat his tenant.

And

¶ And know ye: after Huse, yf ther be but two neyghbours in a towne, whiche entercomoneth in others lande, a writte of Mesurement lyeth nat betwyxt them for the one may nat say, ꝑ the other hath surcharged his comon, for hys comon is the freholde of the other, & hys freeholde may nat be surcharged. h.xix. E.iii.

¶ This writt lieth nat against him whiche hath comon appendaũt nor agaynste him that hath comõ by especialte to beastes wythout nombre. But agaynst hym whych hath comon appurtenaunce, and comon by especyalte to a certeyne nombre of beastes, &c. A.xxii. E.iii Li.as. plito.xlv.

¶ In a writ of Mesurement of pasture, he declared that where the defendaunt, hathe comon in a certeyne place bycause of hys tenure, and there hath the defendaunt put mo beastes than he oughte of ryght, and shewed the nombre, and the surplusage of the beastes, the defendant saide that there is another that hath comon in the place whych is in full lyke nat named in the writ. And by some men it was sayde, that a man shall nat haue an action agaynste one, agaynste whom he hath no cause of action. But by thys action al shalbe admesured, and it is no preiudice to them: for that, that they haue al that, that ryght wyl. h.vii. h.vi.

A writ de Secunda superoneratione pasture.

A wryte de secūda supo neratiōe pa sture ia such.

REX vic̄ salutē. Mōstrauit nobis A. q̄ cū ipse bre nr̄m nup tibi detulisset cōmuni pastura sua in N. admensurandā q̄ā B. iniuste suponeret, et in pasturā illā p̄ceptum nr̄m put mos est in regno nr̄o admensurauiris vē B. pasturā illā post admēsurationē p̄dictā iterū iniuste suponerauit in ip̄ius A. dāpnū non modicum ⁊ grauament et cōtra formā statuti in hom̄oē casu p̄uisū. dē cidē A. iuxta formaz eiusdem statuti subuenire volumus: Vt tenemur tibi p̄cipimus q̄ in p̄opria p̄sona tua ad pasturam illā accedas et per sacr̄m p̄boū et legalium hoim de balliua tua: p̄ quos rei veritas melius scire poterit de scā eiusdem pastur̄ suponeratiōe diligenter inquiras. Et super inquisition ē illā pasturā p̄dictā p̄ fatū B. post primā admensurationē iterū iniuste suponerat inueneris tunc de auerijs illis in pastura p̄dicta vltra debitum numerū post primā admensurationē positis vl̄ de p̄cis eorūdē nobis ad scacc̄m nr̄m respondeas et suponerationem amoueas teste. ⁊c.

THys wryt lyethe, where Measurement hath ben made, and he ꝑ fyrst surcharged ꝑ cōmon, another time surcharged, thā he that is so greued shal haue the sayd wryt. And note ye: ꝑ thys writ is somtyme Originall, and sometyme Judiciall. And in the case aforesaid it is Originall, for it is Justices not returnable. But that the fyrste shall go in proper person to the pasture, & he shall make inquire by lawful men of his bay-

lewyke

lewyke of the suponeracion, and yf it be found, the shirife shal answer to ỹ barõs of the Cheker for beastes, whyche were in the pasture ouer & aboue ỹ due nõbre. And whã it is Judicial, thẽ it shal go out of the comõ bãke to ỹ shirife cõmaũding him that he go to ỹ place wher ỹ mesurement was made, and inquyre in the presens of the ptyes, of the secõd surcharge: and if it be founde, the inquisicion shalbe send to ỹ Justices of the comõ banke vnder hys seale, & the seales of the Jurours & after ỹ inquisicion retourned, the Justices shal iudge ỹ ptyes they? dammages. And know ye? ỹ this wrỹt lyeth nat, but wher a Mesurement hath ben made betwirt ỹ forsaid tenants: for if any purchase the state of one which was pty to ỹ ỹ Mesurement, he shal nat haue this wrỹt of second surcharge, for he is nat helped by the statute of West. 2. ca. 8. And know ye that a wrỹt of Mesurement maye be remoued oute of the countye into the comon banke by a Bone, as wel at the suyt of the pleintife as at the suit of the defẽdant. But it shalbe al tymes with cause. And thã the wrỹt of ỹ secondt surcharge is Judicyal, as is aforesayde.

☞ A wrỹt de Rationabilibus diuisis.

A wryte de Rationabili

Rex vic̃ salutẽ. precipe tibi ỹ iuste. ꝛc. fac̃ eẽ rõnabiles diuisas inter terrã A. in C. ꝛ terrã

bus deuises is such.

S. de R. in W. sicut ee debent & solent: vnde idē A. queritur: q̄ dictus S. plus inde trahit ad feodū suū q̄ ad ipsū pertinet habendū. Ne amplius inde. &c. p defectu iusticiar teste: &c.

THys wryt lyeth in cale wher ther is two lordes in diuers townes, & theyr seignories toyneth together If any parcel of land of the one seygnories hath bene incroched by lytel peelles after the tyme of memory vnto this present time, thā the lorde of whyche seygnorye the ptel of lande was incroched, shal haue the sayd wryt against the lord that hath incroched. And know ye: that thys writ is a Justicies & may be remoued by the Bone out of the countye into the comon bāke. And thys wryt hath ben made betwixt dyuers townes, & dyuers plōs & nat otherwise. And the prpes is, Somons, graunde Cape, & petit Cape.

proces.

A wryt de Berābulatione faciēda.

A wryte de parābulati one faciēda is such.

REX vic̄ salutē. p̄ecipim⁹ tibi q̄ assūptis tecū xii. discretis & legis militibus de cōi tuo i. p̄pria psona tua accedas ad terram W. de S. in C. et terrā R. de A. in N. preconū sarm fieri fac̄ pambulationem inter terrā ipsius W. et terrā dicti R. in C. q̄ dict W. & R. posuerūt se coram nobis in pambulationē illius. Et sciri fac̄ Justiciariis nr̄is apud westm̄. tali die. vt Justiciarius nr̄is ad plumā assisā sub sigillo tuo et sigillis. iii. legal militū eor illius: q̄ pambulationē illā inter fuerint p quas metas & diuisas pambulatio illa facta fuerit. Et habeas ibi nomina militum et hoc breue: teste. &c.

Thys

This writ lyeth in case aforesayd where parcell of lande of the one lord hath ben in such maner incroched by long tyme past, than by assent of both the lordes this writ shalbe purchased. And in this writ is no proces. But ꝑ the shyrife shal take wyth hym the sayd partyes and chefe men dwelling in the sayd seygnorye, and go to the sayd place where the incrochement was made, and there they shal make Perambulacion, & order the seygnories as they were in old tyme as before the incrochemente. And knowe ye: that these two wyttes lyeth nat, but wher ꝑ incrochement hath bene made from yere to yere by lytle parcels wythout tyme of mynde vnto this ꝑsent tyme. But where the incrochement hath ben made but of late tyme, than lieth the assise. And knowe ye: that the writ of Perambulatione faciendā, alwayes is made by agremēt of ꝑ parties betwene diuers townes in one countye. And the partyes betwixt whom the Perambulacion shal be made, shal come to the chauncerye and graūt ꝑ Perambulacion shalbe made betwixt theyr landes. And ꝑ agremēt shal be inrolled, or therof a dedimus potestatem may be made. Anno. 8. E. j.

Addicion.

Note ye: that a tenāt in dower may

A.xii. h.iii. Ji.ebor.

haue this writ. But the perãbulacion, shalbe made betwyxt him in the reuercio & the defend in thys writ, & nat betwixt the tenaũt in dower and the defendaunt.

☞ A writ de Annuo redditu.

A writte de Annuo redditu is such

REX vic salutẽ. precipe A.q iuste. ꝛc. reddat. ꝛc. C.li. quas ei aretro sũt de annuo redditu xx li. quas ei debet: vt dicit. Et nisi fecerit. ꝛc. tũc sum ꝛc. ostendat quare non fecerit. Et habeas ibi sũma & hoc breue: teste. ꝛc.

☞ Aliter in comitatu.

REX vic salut. precipe tibi q iusticies A.q iuste ꝛc. reddat B. de C. certũ solidos: que ei aretro sunt de annuo redditu x. li. et vnius robe: que debet: vt dicit, et sicut rationabiliter. ꝛc. Ne am plius. ꝛc. p defectu iusticie: teste. ꝛc.

Thys writ lyeth in case, where a man graũt to another by writing any sõme of money or rent to take euery yere of his cofers, or of his chãbre or of hys maner. And after suche graũt þ sõme of money or rẽt is behinde. Thã he to whom the rent is graũted shal haue þ sayd writ, & by this writ recouer þ sõme of money or rent þ is behynde & hys damages. But yf the landes or tenementes be charged w a distr for such rent behynde, thã he may distreine in the lãdes or tenementes. And if the distres be fro hym deforced, thã he shal haue assise. And knowe yet that this writ of annuite is nat to be sued by executours, but in place of thys

writ

wryt is gyuen a wryttē of Dette, which shalbe made in the Detiner, & nat in the debet, & in ỹ same maner shalbe of wheet Barly, and other suche lyke. And knowe ye that in thys wryt, & in a wryt of Dett vpō an obligacyon, & in other cases lyke where the ought to shewe especyalty in declaracion, declaryng in such wryttes it is conuenient, ỹ the name of the pleintyfe, & the name of the defendaunt agree with the especialty or otherwyse the writ shal abate, if the partye ỹ challenge. But in a wryt of waste brought by hym in the reuercio, and in a Formedon in the remainder, a man ought nat to shewe especialty ake that it be demaunded by the partye, though ỹ the name of the pleyntye, or the demaundaunt in the wryt be nat accordyng to ỹ especialte. The wryt shal nat abate, as it appereth. M. 41. E. 3 in a wryt of Waste, And the proces is Somons, Attachement and oystres infinite. proces.

☞ And note ỹ of annual rent goyng out of land or tenement, & nat of a chābre, a man ought to haue the wryt.

Addicion.

☞ Note ỹ if Annuite be graūted out of a churche, one county, and the graūt is seysed of ỹ Annuite in another county, the graūt may chose in whych county, he wyll bryng his wryt of Annuite. xx.iiii.E.iii. xx.iiii.h.vi.

M.xxii. E.iii. ¶ In thys writte the declaracyon was challenged: for that, ꝑ the pleyntyf supposed seyson by the handes of the defendaunt & hys predecessour, where it was nat seysed by the hãdes of the defendant: and nat alowed.

H. xvi. E.ii. ☞ The declaracion was challenged for that, that it was the yeare of the incarnacion, and nat the yere of the reygne of the kyng, and nat alowed.

P.vi. E.iiii. ☞ If Annuite be graunted by cõdicion, the pleintyfe shal nat shew hat, in hys declaracion, but he shal make his declaracion symple, & the defendant shall nat haue auãtage of that by way of plee in abatement of the declaracion, but he shal pleade that by way of barr.

H.iii. H.vi. ¶ If a man graunt annuite or gowne, prysе.xx.s. the writ shalbe braught of ꝑ gowne, prysе.xx.s, without speakyng of the.xx.s. yf the graunte wyl yt he may haue a writ of the.xx.s. without speakyng of the gowne, & in this case the writ shal nat abate though ꝑ it be nat coordynge to the writynge. But yf the writ agree with the graunt thã the writ shal abate for the non certeynte for byde writ the demaunde ought to be certayne.

¶ If I graũt Annuite of.s. to one of the kynges chapleins, but he be promoted by me to a cõpetent benefice, in thys

case

caſe if I proffer to him a benefice whych is worth. x. marckes, the which he refuſe, that is a good extinguyſhment of the Annuite; for the benefyce ſhal haue relacion of the value of the Annuite, & nat to the eſtate of the perſon to whom it is proffered thoughe he be a man of great eſtate qđ nō

¶ If Annuite be graunted vpon condycion, that is to ſay, vnto the graunt be promoted to a benefice, or to gyue his counſel. &c. And the graunte bryng a writ of Annuite of the arrerages, & the grauntour ſay that ſuch a day he proffered to him a ſufficient benefice, or that he demaunded his counſel, & the graunte it refuſed, in this caſe, the grauntour ſhall nat anſwere to the arrerages before the tender: for that that by the tender, the Annuite is determined, & of theſe arrerages before the extinguiſhment, the graunt is put to his writ of dette. If the graunte haue aquitaunce of the arrerages before the extinguiſhment, he ſhal nat plede it in a writ of Annuite: for he ſhal haue auauntage to pleade that in a writ of Det.

¶ If Annuite be graūted out of certeine lande, it is in election of the grauntee to bryng aſſyſe, or a writ of annuite.

¶ In a writ of annuite yf the defendaunt ſhewe acquytaunce of the arrerages, yet the pleintyfe ſhal haue iugemēt

h.iii. h.vi. w.xvi. E.iii

h.xviii.E.iii

w.xxx.E.iii

to recouer ꝑ Annuite aſwel as in a wryt of meane, the defendant pleadeth nat diſtreined in his defaute, the pleyntyf ſhal recouer the acquytal ſtreight way.

v.xxii.E.iiii ¶ In a wryt of Annuyte agaynſt one I. and declared that the ſayd I. by a dede ꝑ he sheweth graũted to him one Annuite of .xx. s. by yere goynge out of ꝑ manour of Dale, the defendant ſayde that after ꝑ action brought, he hath reſcoyued .v. marks of the arrerages of the ſaid Annuite & ſo hath he abated his wryt. And it was holden that was no ple to dyſcharge the wrytyng, excepte that he ſhewe another wrytynge, as it is vpon an obligacyon, els it is no dyſcharge.

v.vi. v.iiii. ¶ If a perſon of a churche hath lycence of the patron & ordynary to graunte Annuite, this graunt of Annuite with ſuch lycence, ſhal charge hys ſucceſſour for euer wout any other graunt, or cõfirmacyon of the patron & ordinarye. And ꝑ is as ſtrong in the lawe, as they al had ioyned in graunte, or cõfirmed the graunte made by the perſon alone. Tamen quere.

M.iiv.E.iii. ☞ If Annuite be graunted to another for hys counſel gyuen & to be gyuen the graunte is nat bounde to go to the graũtour, but to gyue hys counſel where the graunte is.

¶ If a mã graũt to me an Annuite of

xx.s. by yere payable at the feast of saint Mychael, & at the Annunciacion of oure Lady, & the dede beareth date the fourth day of February, I shal take ỳ fyrst paiment at the feast of the Annũciaciõ next after the date of the dede, nat wtstãding ỳ the feast of sayncte Mychell, be the fyrste day in the dede.

☞A wryt de Consuetudinibus et seruiciis.

A wryte de Consuetudinibus & seruitus is such.

REX vic̃ salutẽ. pręc̃ A. q̃ iuste &c. fac̃ B. de cõs & recta seruic̃ sua: que ei fac̃ debet de libero tenemẽto suo: q̃ de eo tenet. l. N. vt i redditibus ark & aliis: vt̃ sic vt in secta cur & aliis Et nisi fec̃. &c. te secũ tũc summas. &c. ostens quare non fecerit. Et habeas. &c. teste. &c.

THys wryt is a wryt of Right and wylbe determined by batayle or by greate Assyse. And lyeth where I. or myne auncestours after the limitaciõ of assyse was nat seised of the customes, or of the seruyces of our tenaunt. But afore the lymitacion we were seysed of ỳ seruyces, & of the customes of oure forsayd tenant, than for to recouer the said seruyces. I shal haue said the writ. And the proces is, Somons, graund Cape, & petit Cape. And it is to know ỳ this writ may be pleaded in. iii. maners, ỳ is to say by one affirmatiue, & ii. negatiues, thys affirmatiue is called a wryt of customes and seruyces. And thys wryt supposeth

alwayes, that the lord is auctour, & the tenant defendant. And the lorde by this writ may demaund agaynst hys tenant that holdeth the ground of him wythout meane, to demaund rent or suyt to court or tealte, & such maner of seruices, where of the lord, or hys auncestours were seised by the hand of the tenant, or his auncestours, as of rent goyng out of ỳ same ground, or in hys demeane, as of fee and of right, by reason of whiche rent ỳ corporal seruice is mouable. And for ỳ, some people was wont to declare of the ryght in their declaracion of hys owne seyson as of fee & of ryghte. But of other seruyces ỳ are nat remouable a mã oughte nat to declare, but as of fee, & of ryght wout demeane, And this writ is alwoly in the ryght: wher homage is graũted, & knowledged by the tenaunt in ple pleadyng, in which case lieth another datayl nor gret Assyse, nor in this writ oughte the solet neuer to be writted. And knowe ye that this writ ought to be pleaded by ỳ same delayes, as ỳ Mõ permittat, but in this writ of right, is demaunded tenementes in demeane after customes & seruices denied. And by the lorde Bilbert de prestons lyeth nat the biewe, that is to say, yt the defoꝛcecour hold nat it tenementes in the same towne wherof the demaundãt clai meth

meth diuers seruyces to him aswel as in the Mō ymittat, & thys writ may be pleded in the countye before the shyryfe, or Justices of the comon bauke by ꝑ Bone but better it is for ꝑ chiefe lord to pleade before the Justices of the comon bancke than in the county, for the disclamour of the tenaunt, to whom no payne is giuen vpon the disclamer in the county. But if the dysclamour be afore Justyces of record, than an accion is gyuē to the lorde to demaund those tenements in demeane out of whych the seruyces doth go. And if the lord be wise he may purchase such maner of seruices, ꝑ yf they be behynde: for defaute or distres he shal haue remedye after the fourme as is conteined in ꝑ statute of Westm. 2, Ca. 21. which beginneth. Cū statuto, &c. And with ꝑ agree to the stat of Glouc. Ca. 3. whych begynneth Enlemēt si home lesse. &c. And the one of these writs of Customes, & seruyces negatiues is opē, And begineth thus. Precipimus tibi ne iniuste vexes. &c. And ꝑ other is close. And begynneth thus. Rex salutē Precipimus tibi q̄ nō permittas A. q̄ distringat B. ad faciendū ei conuz & seruitē q̄ de iure facere nō debet nec solet. &c. And the writ ꝑ is open is betwyxt ꝑ tenant auctor, & the lord defēdō, but after that the tenant hath declared for ꝑpt, & dama-

damages, the lord defending the woordes of the court, and in the repleuynge saye that he dystreyned nat the tenaunt for ỳ Customes & the seruices, wherof the declaracion is to the wrong, and nat to the right, & after shewe al the declaracion of the wryt of Customes & seruyces, & prey hys suyt to be good, & after the tenaunt, whych was auctour afore becometh demaundant, and shal defend by barayl, or by graunde assyse, as they ought to don. And it behoueth of fyne force, ỳ the tenãt knowledge to hold the tenementes whi che are in demãundant of the same lorde, by some seruices, or otherwyse a wrzit of excepte lyeth. And if he wyll, thys wryt at the first shalbe brought in the court of the same lorde, that distreined yf he hath court and there shall the tenant plede as long as ỳ court may do ryght. And whã the court may make no ryght, the shirife at the suggestion of the pleyntyfe by vertue of suche a clause ỳ is conteined in the wryt, ỳ is to say. Et nisi fecerj. &c. maye make a Tolte out of the lords court into the countrye, & from thence remoue ỳ plee afore the Justices of the comon bank by a Pone yf he wyll after the order of the wryt of ryght open. The wryt negatiue close is of Customes & seruices nat due: & lyeth in case whã the lord dystreyneth a

man

man for customes & seruices nat dewe, þ
nothynge claymeth to holde of hym, and
namely whan the tenant that is distrei-
ned, knowlegeth no seruyces to be due to
the lord by his bande, & that is a wryt of
Ryght, and he that is auctor shal become
defendant, and the contrary. & such writ
wyll be determined by bataple or graūde
assyse, as in the Quo iure. And there is
dyfference betwixt this & the Ne iniuste
vexes: for that, þ the Ne iniuste vexes wil
al tymes be open. And the writ of Quod
permittat close. And the pleyntyfe, that
bryngeth the Ne iniuste vexes claymeth
to hold of þ lord that distreineth, & know
legeth vnmanerly of hys seruice of him
demaundeth & part denieth. And he that
bryngeth this writ close declareth nat to
holde of the lorde the tenementes: and no
seruyces of hym demaundeth to be dewe
by hym to the lorde. And yf the tenaunte
be wyse at the begynnyng, he shal cause
his beastes to be delyuered by repleuyn,
for yf the tenant may auer that the lord,
nor none of hys auncestours were neuer
seysed by the hand the tenaunt, or of hys
auncestours, or of any other tenant of þ
same tenementes of theseruices demaū-
ded after the limitacion of the assyse, the
repleuin shal serue him but parauenture
the lord was seysed by long continauuce
of

of the ſeruices demaunded, though that it was by wrong by the hande of the tenaunt or of his auncestours, than the replevyn may nat helpe, but thā he ought to bryng the Me minuste beres : or yf he be dystreyned by the chiefe lorde for ſuyt than in ſuche case he ſhall bryng a wryt fourmed vpon the ſtatute of Marl. Capi. 8, whyche begynneth, Deſcet ſequidem faciend. &c. Note ye that a mā may haue acquytaunce of the ſeruyces in. iii. maners, that is to ſay by dede ỹ counterpayleth acquytaūce, or for that, that the Meane is ſeyſed of other ſuche cuel ſeruyces by the hande of the tenant, as the lorde peramōte demaunde of tenannt or for that, that he and hys auncestours of tyme wherof. &c.

☞ Addition.

h.ii. E.ii. ☞ Note ye that this wryt is of dyuers natures, ſome are wryttes of Right determynable by darayle, or by graund aſſiſe, & that mat none ble but he ỹ of clere ryght may ſpeake, & ſome are myxed in ỹ poſſeſſyon, & that in dyuers maners, for ſome is brought of the ſeyſon of the demaundant by the hand of the deforſant, and ſuche wryt ſhalbe in the Debet & ſolet, & ſome the ſeyſon of the auncestour onely and ſuch wryt ſhalbe in the Debet onely wythout the ſolet, & ſhall declare

for

for damages for the possession by whych this writ that wyl be tried in the possession may a man ble though þ he may nat trye the ryght, as tenant in dower or by the courtesy, & if the demaundant wil disclayme, than the tenaunt in dower or by courtesye shal haue ayde of his in the reuercion, for that, þ he may nat be harde to such hys answer, that to pleade in the right wount him in the reuercion to whō the accyon is gruen by the disclamour.

A writte de Contra formam feoffement.

A writte de Contra formam feoffamenti is suche.

REx balliis R. de B. salutē. Cū de cōi cōsilio regni nri Angl' puisū sit ne dns occōe teneat mētoriū suoriū distring. ad sectā faciend ad cur dnoriū suoriū nisi p formā feoffamenti ad sectā illā, aut ipe vel eoriū anteceſſores ten illa tenuis tā fac cōsueuer ant pīm trāsit dni h. R. pani in Britañ vobis pcipimus q nō distring. A. ad faciend sectā ad cur pdictam de N. cont formā puisionis pdicte et si districtiones q̄ ea occōe feceritis sine dilatione relaxatis T. rc.

THys writ lieth wher a mā infeoffeth another of certeyne landes or tenementes by Chartour of feoffement, to make certeyne seruyces & suites to his court, & the lord, his heyr, or his assygnes distreyne his tenant to make no seruices thā is conteyned in þ sayd Chartour, than this sayd tenaūt may haue þ sayd writ directed to the lord, cōmaundyng hym that he distreyne nat the sayd

tenaunt to doo other seruyces than hys Chartour wyll, as it is giuen by the statute of Marl. Capi. 9. Which beginneth De certz liquidz faciendz. &c. for none shal be holde to make suit to the court of his lord otherwyse than is conteyned in his Chartour. And the pces is, Attachemẽt, and dystres vnto the partye come. And knowe ye: that thys wrytte oughte to be brought there where the playntyfe clayme th by dissẽt, & nat by purchase. And also yf any be distreined agaynst the forme of any statute, he may haue a pⁱbicion, and vpon the prohibition attachemente but he shal nat haue attachemẽt afore ꝑ prohibicion sued. And note ye: that if anye herytage of whyche one sole suyt is due dyscend to many pceners, than by ꝑ forsayde statute he ꝑ hath the auncient parte shall make the sur for al, & these other shal make cõtribucion, & if they wyl nat she shal haue agaynst them a wryt de Contributione faciendo which writ and many other ꝑ touchyth this matt shalbe folde in the Regyster amonges wrytes of ꝑ statutes. And ꝑ pces is, as in a wryt of Dedimus potestatẽ de fyne leuanda.

☞ Addicion.

W.ill. E.ii. ☞ Note ye: that in thys wryt, the defendant demaunded heryage of the deede of feoffemẽt, & ꝑ demaũde was nat alowed

Note

☞ Note yet that yf there be the lorde & the tenaunt, & the lorde is seysed of two courtes .S. of one court in Dale, & of ano ther in Sale, & the tenaũt holdeth of the lorde of the maner of Dale, & suyt to the same, & it is agreed betwyxte the lorde & the tenaunt, that the tenaunt shal make suyt to ỹ court of the maner of Sale, for the suyt due to the court of the maner of Dale, the lord in thys case may distreine hys tenant to make the suyt to the court of Dale, as he ought, for the suit abideth al tymes due to the court of Dale. And ỹ same lawe is yf the lorde by agreemente take .ii. s. of rent by yere in allowaũce of suyt, & so is seysed by ỹ space of .xl. yeres & at the last the .ii. s. are behinde, and the lorde demaũdeth hys suyt, in these cases the tenaunt may nat maynteyne a wryt of Contra formã feoffamẽt against ỹ lord xv.iii. E.ii.

☞ A wryte of Meane.

A wryte of Meane is suche.

REx vic̃ salutẽ. p̃cipim̃ tibi q̃ iuste. &c. acquietet A. de seruic̃ q̃ C. ab eo exigit de libero ten̄ to suo q̃ de p̃fat A tenet in N. vnde is A. que medius est inter eos ip̃m acquietar̃ debet vt dic̃. Et vnde queritur quod p̃to defectu eius distringitur. Et nisi fecerit. &c. teste. &c.

THys wryt lyeth, where there are lorde, Meane, & tenant, and ỹ lord distreyneth the tenaũt for the seruyces ỹ the meane ought to do to ỹ lorde goyng out of the lande, than shall the te-

shall haue this writ against his Meane. And yf the tenant haue any writyng making mencion of any acquitall or fynall concorde of hys next meane of whome he claymeth to holde the grounde, or of hys auncestours, or any seyson of any acquitall by the hande of the same meane or of his auncestours: yf the meane do demaunde what he hath to bynd him to the acquytall: than must he shewe it. And after that the meane hath entred into the acquital for to acquyt the tenaunt of the serujces requyred by ỹ chiefe lorde: the same meane may haue another writ agaynst his meane betwyxt hym & his lorde, & so of euery of thē. And this writ of Meane & wyttes of Customes and serujces atorelayd shalbe pleaded, by the same delayes as a writ of Trespas. And the Proces in this writ is Somons, Attachement, and dystres. And day shalbe gyuen before ỹ the great distres shalbe retourned, so that. ii. shyre courtes may be holden & proclamacion shalbe made in those. ii. shyre courts that the meane shal come at the day cōtreyned in the writ for to acquyte the tenaunt, & yf he come nat at the sayd daye: than shal he lose ỹ serujces of his tenant & shalbe forjudged of hys seygnorye, and the tenaunt whych bryngeth this writ shalbe immediate tenaunt to the chiefe lorde,

Proces.

W.iii. E.ii.

lorde, & shal do the same seruyces, & suy- xv. iii. E. ii.
tes, as hys meane dyd to the sayd chyefe
lord. And þ is gyue by þ statute of West.
2. Cap. 9, whych begineth. Cū capitales
domini. &c. Neuertheles, þ tenāt shal nat
be prohibited to sue the proces gyuen by
the comō law, þ is to say, Somons, Arra
chement, and Dystres tyl the partye doo
come yf it be for his prokyte, for if the te-
nant holdeth of hys meane, by lesse seru-
yces than the meane holdeth of þ chiefe
lorde, & the tenaunt sueth the proces gy-
uen by the statute, and the meane is for-
iudged of his seignory: than must the te-
naunt, do the same seruices to the cofefe
lorde that the meane dyd, whyche were
greuous to the tenant, & therfore may þ
tenant chose, whyche of the two proces
he wyl sue in this case. And by the same
statut this proces afore sayd, nor this for
iudgynge is nat gyuen, where there be
many & sondrye meanes betwyxt the su-
periour lord & thynferiour tenaunt, but
in case where there is onelye one meane
And also thys foriudgynge is nat gyuen
of ryght, but onely for the tenaunt of fee
Symple agaynst the Meane of fee symp-
ple. Neuertheles at þ comon lawe, there
was wryt of Meane for the tenaunt in
tayle and tenaūt for terme of lyfe, and þ
is proued by the said statute, where it is

layd. Nor tenente in dote per legem Anglie et ad terminum vite vel per feodum talliatum nondum est remedium p;ouisū &c. but that is to be vnderstāded, þ remedy, as concernynge the forjudger, is nat ordeyned, for such tenauntes, but the tenaunt maye haue a writ of Meane, as it doth appere by þ same statute. And note ye that a writ of Meane may be pleaded in the hyrt court before Justices of the comon place, or Justyces in Eyre, nor þ dystresses shal nat cease vpon the tenant though the writ were purchased vpon þ Meane because the chiefe lorde hath alwayes hys recourse to his fee, for to distreine for his customes & seruyces with arrerages of þ same. And note ye that a mā may haue acquitāce of seruices in dyuers maners. ℣. by dede, or bicause þ the Meane is seysed of such seruyces by the handes of the tenaunt as the chyefe lorde demaundeth to him, or bycause þ Meane and hys auncestours hathe acquyted the tenant and hys auncestours at al tymes or bycause he doth hold of him in Frankmaryage, or in dower or in Frankalmoigne. And note ye that in case the Meane be redy to acquite the tenaunt of the seruyces due to the chiefe lorde, & the chyefe lorde doth dystreyne the tenaunt, for the same seruices, thā shal the tenaūt haue a writ

writ dyrected to ỹ shyryfe of ỹ same shire therlyng, how that the Meane is redy. &c. cõmaũdyng him ỹ he shal nat suffre ỹ tenant, nor the meane to be distreined by the sayd lorde nor otherwyse to be vexed by reason therof. And note ye: that yf ỹ Meane do commit a felony, for the whyche he is attaynted, in this case thynterioure tenaunt shalbe come immediate tenaunt to the chyefe lorde of whome seruyces as he did to the meane. And note ye: ỹ this wryt may be remoued out of ỹ shyre court into the comon place by a Bone.

Addicion.

☞ Note ye: that equalnes, or ouertye of seruices is, where the tenant holdeth an acre of land of the Meane, by .iii. ß. & the Meane holdeth ỹ same acre ouer by .i. ß. that is good ouertye, for that, ỹ the tenãt holdeth by that, that the Meane holdeth & more, but yf the Meane holde by more seruyces than the tenant holdeth of him that shal nat be sayd ouertye of seruyces C.iiii. v.vi.

☞ And it is nat cõuenient for ỹ pleyntif to shewe the certeynty of the tenure betwyxt the Meane & the lorde aboue, for than shal folowe, ỹ the tenure betwixt ỹ Meane, & the lord aboue shalbe tryed betwyxt the Meane and the tenant, & that shalbe no reason if the pleyntyfe declare that he holdeth of the Meane in franke An. xxxix. v.vi.

almoygne & that he and his auncestours hath acquyted hym & hys predecessours, tyme out of memory. &c. thys declaracio is nat double for the franke almoygne is no cause of the acquytall, except that he shew the gyft. &. how the defendant and his auncestours, whych gaue in franke almoygne, whych is good cause of acquytall wythout more, or to prescrybe, that he & his auncestours hath vsed to acquyt the pleyntyfe, by reason of frankalmoigne, & he haue nat prescrybed in franke almoygne & hath nat shewed the begynnynge of the gyfte, but hathe shewed the prescripcyon general, the whych is good cause, and the other is but voyde, yf the pleyntyfe prescrybe, that the defendant ought hym to acquyte agaynst the lorde paramot, & al other, & it is found for the pleyntyfe, that defendaunt ought him to acquyte agaynst the lorde, thys prescripcyon of acquytal agaynst al the other, is voyde.

p. xliiii. E. iii. ☞ If the pleyntyf declare that he is distreyned by one D. for scrupces of the Meane & that the Meane holdeth of D. where there is two lordes, betwyxt the Meane & D. the defendant may plede in abatement of the declaracio, that he holdeth not of D.

p. xxxi. E. i. ☞ The lorde Meane, & tenant are, and the

the Meane byndeth hym selfe by fyne, to acquyte the tenaunt agaynst the lorde, & hys heyres, the lorde taketh a wyfe, and hath yssue & dyeth, the wyfe is indowed of the seygnory, & dystreyned the tenant perauale for the seruyces of the Meane, in thys case the Meane shall acquyte the tenaunt agaynst the wyfe: tenaunt in dower, thoughe that he be nat heyre to the lorde, for that, that the reuercyon of the seruyces is to the heyre.

The lord Meane, and tenant are the lorde dystreyned the tenant perauale for release, after the deathe of hys father, in thys case the Meane is nat bounde to acquyte hym, agaynst the lorde, for that, þ the answer that should dyscharge him lieth nat naturally in hys mouth. W. xvii. E. iii

The lorde, and tenaunt are, and the tenaunt maketh a lease, for terme of lyfe yeldyng certeyne rent, and the lorde dystreyned the lesse, for the seruyces of the tenant, and the lesse bryngeth a wryt of Meane, the defendant shal saye, that the pleyntyfe hath nothing but for terme of lyfe, and he shal nat shewe of whose lease Judgement. &c. It is conuenient for the pleyntyfe to mayntayne þ he hath fee, otherwyse the wryt shal abate for that, þ the wryt lyeth nat, for tenaunt for terme of lyfe, but a wryt of Couenant, & so say T. xvii. E. iii

that he holdeth of the lease of the defend the reuercio to him ꝑ wil make no pfite.

ꝑ.xxxviii. E.iii. ☞ The lozde, Meane bynge a woman & the tenant, the Meane byndeth her self to acquyte the tenant and after taketh a husband and hath pfite, & the tenant releaseth to the husbād ꝑ he no; his heires shal nat be bounde to acquyt all, the husband & the wife dieth, the tenant pauale bzyngeth a wzyt of Meane agaynste the pfite as heire to hys mother & he pleadeth this release in barre, & it was holde ꝑ he shal nat be barred, fo; that, that the defendant is bounde as heyze to hys mother.

ꝑ.xl. E.iii. ☞ The lozde Meane, & tenant are, the Meane doth graunt, by fine the seruices of hys tenāt to a straūger in fee, to whō the tenaunt pauale doth nat attourne, ꝑ graūtour doth take a wife, & taketh estat to him & to his wyfe & to the heyzes of ꝑ bodye of the wyfe, & fo; defaute of suche pfite, ꝑ remaynder, to the ryghte heyzes of the husbande, & they haue pfite a sone & the husband dieth, in this case the sone shalbe charged of the acquytal, in ꝑ wzyt of Meane, yf he may nat auerre, ꝑ the tenaunt attourned to the graunte and the wyfe shal nat be charged.

ꝑ.xliii. E.ii. ☞ The lozde, meane, & tenaunt are, the tenaunt is a woman, & taketh a husband whych are distreined fo; the seruyces of

the

the meane, in this case the husband, & the wyfe shal haue a writ of Meane against the meane & they shal declare þ the wyfe is dystreyned, aswel as the husband supposynge that the wyfe hath property of the goodes durynge the espousales, and yet the declaration is good.

☞ Note ye: that a forciudgemente agaynste the husbande and the wyfe, is nat voyde, but errroure, for he shall nat haue a Cui in vita. xv.ix. E.ii.

☞ In a writ of Meane supposing that he is distreined, by one R. whereof the defendant is meane, the defendant sayde þ another tyme þ pleyntyf brought a writ of Meane agaynst hym, supposynge þ he is distreined by one W. in the same lāde and that we are meane betwyxt them, so supposeth he that W. hath the seignory, iudgement of the writ that supposeth R. to haue the seygnorye, and nat allowed, for if there be .ii. or .iii. lordes euery one aboue other, yf any of thē dystreyne the tenaunt perauale, his suyt is against his meane, and he shal haue a writ ouer, and so hys ple is no ple to the writ. p.xxix. E.iii

☞ The lord of a hundred, meane, and tenaunt are, the tenaunt doth holde of the meane, by homage, & Eltuage, the lorde demaundeth suyt to hys hundred, of the xv.iiii. Eiii.

tenaunt

tenant perauale, in thys cale the tenant
ſhal nat haue a writ of meane, for as cõ-
cernyng the ſuyt to the bũdzen of ꝑ lozd
ſhal aduowe vpon hym, ꝑ is tenaunt of ꝑ
land for otherwyſe he may nat do, nat w
ſtãdyng there is meane betwyxt them, &
for ſuit that is due, by reaſon of the reſi-
aunce, the meane ſhal nat acquyte hym.

T.liii. b.vi. T.xiii. E.iii ☞ If the lozde paramont of whom the meane holdeth dyeth hanging this writ the writ ſhal nat abate for that, that the writ was well purchaſed at one tyme, & it is no reaſon that it ſhall abate, by the death of the lozde that is a ſtraunger, yf it ſhalbe ple to ſay that the lozd is dead, it ſhalbe to the accion, for the tenant ſhal haue no remedy by a writ of Meane, of that dyſtres taꝁ in the lyfe of the lozd, but of a forſudger otherwiſe is, for there the writ ſhal abate by the deathe of the lozde paramont, for that, that the tenant may nat be attendant to a deade perſon.

b.xxxiiii. E.iii. ☞ If the tenaunt do ſel the meanaltye by fyne hangynge a writ of Meane, and the tenant ſueth forth hys writ & forſud-ged his meane, natwythſtandynge thys alienacion or ſale, the tenaunt ſhalbe at-tendaunt to the chyefe lozde, & the graũt of meanaltye, ſhal nat charge the tenant to attourne.

An.xv.h.vi ☞ If the tenaunt be diſtreyned for ſuche ſeruyces

seruyces that the tenaunt holdeth of the meane, he shall haue a writte of meane mayntenaunce without any notice made to the meane, but yf he be dystreyned for other seruices than the tenaunt holdeth of the meane, thā he ought to make knowelege to the meane, and after suche knowelege, he shall haue a writte of meane, and nat afore.

☞ Note yet that in a writ of meane ℔ quantyte of the seruyces shall nat make ystue, as yf the pleyntyfe declare that he holdeth .xx. acres of land of the defendāt by certeyne seruyces, & sheweth whych & how he holdeth ouer by many other seruyces, & how the pleyntife is dystreyned the defendant shal say, that the pleyntyf holdeth .x. acres of the .xx. acres by certeyne seruyces, & sheweth whych & by many other mo seruyces, that the pleyntife hath nat supposed & that he holdeth these other .x. acres by other seruyces, thā the pleyntyfe hath declared, & demaūded iudgement of ℔ declaracion, nowe the pleyntife shal say by prescription nat knowing .xx. acres are holde by many other seruices, as hath bene alledged but ℔ they are holden by one hole seruice in the maner. &c. Quod nota.

p.ti. p.v. T.xvi.E.iii.

☞ Tenaunt for terme of lyfe, the tenāt shal nat haue a writ of meane against ℔ meane

w.xxi.E.iii.

meane, for he is nat tenant to him but to him in the reuercion but yf he be distreined for homage he shal haue a writte of meane, for he may nat do homage.

T.xvii.E.iii An.xv.h.vi ¶ But tenant for terme of life, for tenãt wher the remaynder is ouer in fee he shal haue a writ of meane agaynst ỳ meane. The same law is of tenant in dower.

h.xiiii.E.ii. ¶ If tenant by the courtesy be of a meanalty, the tenant paruale shal nat haue a writ of meane agayn ỳ hym in the reuercion leuyng the tenãt by the courtesy

W.xvii. E.iiii. ☞ The defendaunt in a writ of meane sayth that where the pleyntyfe hath declared ỳ he holdeth of me, & I ouer T.B. I say, that I. holdeth of T.B. as in right of his wyfe, & it is thought ỳ it is a good ple: for otherwyse if the tenant ought to recouer, by thys writ the meane shalbe charged to two acquytalles, the one by estopel, & the other bycause of ỳ meanalty agaynst T.B. and hys wife as in the right of hys wyfe.

A.vii. h.iiii ¶ If the lord distreine the beastes of his tenant wher ther is a meane, the meane maye put hys beastes into the pounde in gage, for the beastes of the tenaunt, and shal haue a replegyn, & pleade vb the lord and so euery estate saued, & yf the meane refuse to helpe his tenant by this maner the tenaunt shall haue a writ of meane,

vpon

vpon the speyal matter.

¶ In a writ of meane it is no good declaracyon, to say þ the defendaunt, & his auncestours hath acquyted the pleyntife and his aūcestours, of whose, whose estate he hath, but he shal saye that he holdeth of him by homage, fealte, & certeyne rent of whych seruyces he is seysed, & saythe, that he & his auncestours hath acquited the pleintif and hys auncestōurs, tyme out of mynde. &c. T.vi.E.iii.

☞ A writ de Querela fresca fort.

Curia dñi regis apud W. in guylhalda eiusdem ville scōm consuetudinem ville illius, ac libertatem burgens. ville illius per diuersos reges Angl. conc̄ et dñm regem nunc cōfirmat coram Johē S. et A. T. ball' ville predicte die lune prox. post festum sāncti Bar. apostoli. Anno reg. E. iii. ix. ad hanc cur' venit T. abbas sancti petri de hyde infra W. in ppria persona sua, et queretur versus Thomam L. capellanum Cantuar' beate Marie virginis in ecclesia sāncti petri in L. de placito assi. a Friscefoxcie dicendo: q̄ idem Thomas L. iniuste et sine iuditio: ac vi recenti dissesiuit. cum de libro tenento suo in W. post pumam transit' domini h. fillii regis Johānis in vascoñ. et infra querentenam &c. inuenit pleg. de pros̄ querelam suam J. h. et J. S. Ideo secundum cons̄ ville predicte preceptum est R. E. et R. W. seruientibus dñi regis ad clauas in eadē villa et ministris cur' p̄dict' q̄ reseis̄ fac̄ tenent' p̄dict' de catall' que in ipo capt' fuer' et ip'm tenemēt cū catallis esse in pace vsq̄ ad pr. cur' coram maiore et ballīuis ciuitatis p̄dicte in Guylhalda predicta tali die prox. futur' tenendum. A writte de Quer' frecca fort' is such.

Et interim fac. xii. liberos et legales homines de visu predicto infra pcinctu libertatis ville predicte uidere teñ illud et nomina eoꝝ in breuiari. Et quod sũma eos ꝙr bonos sum quod tũc sunt parati inde fac recogñ. ⁊ quod pcñ ꝙ vad et saluos pleg predict T. vll ballium sum si ipse inuentus non fuerit quod tũc sit hic audituꝝ illã recogñ. Et quod tunc habeãt hic sum nomina pleg. ꝛc. Et sup hoc eidem abbas polo suo J. y. versus T. S. de pdicto ꝓsito ad quẽ dic pfat seruiẽt ret hic panellũ de nomiñ bus recogñ quod huic rotulo est consuet. Et testant quod eodem recogñ sum sunt per Adam pye et R. S. quoꝝ vteꝝ manucapitur per Johẽ Done. R. S. T. J. et. T. S.

THys wrpt lieth in cale wher a mã is dyſſeiſed of tenementis that are deuyſable, as in ꝑ Cyty of Lõdon or other Borough or towne ꝑ is Fraunchyſed, than the dyſſeyſye ſhall come in the court of ſuche a towne, ꝑ is in Fraunchyſed. ꝛc. And entre hys pleynte, where in he ſhall ſhewe howe he is dyſſeyſed, ⁊ vpon that ſhal. xii. men ſay their verdite in lyke maner as in Aſſyſe of Nouel dyſſeyſon. And know that the cauſe why ꝑ it is called freſheborce, is for that, that yf the dyſſeyſye cauſe nat hys pleynt to be entred, nor recouered within, lx. dayes he ſhalbe put to hys recouere at the comon lawe. ℈. to Aſſyſe of Nouell dyſſeyſon (Et ideo ꝙre) And yf the mayre ⁊ the mynyſters of the court wyll nat awarde execucion of the iudgemẽt of thys freſh

borce

foꝛce, than the party purſuant, oꝛ plein-tyfe ſhal haue thys wꝛytte folowinge to haue execution after the fourme of thys pleint, and ſhalbe dꝛected to the bayliffs of the ſame towne. And the wꝛyt of execution is ſuche.

REx ballius J. de C. ſalutē. Precipimus vobis q̄ executionē indicii nup̄ redditi in cur̄ nr̄a de R. ſine breui nr̄o int̄ A. & B. de quād̄ fris cuſoꝛcis eiūd̄ A. q̄ p̄fat̄ B. in R. fact̄, vt dic̄. ſine dilac̄ fier̄ fac̄ T. ꝛc. Et ſic alias et cum plures pſnēde be. ꝛc.

A wꝛyt de Ex graui querela.

A wryte de Ex graui querela. ſuch.

REx maioꝛi et vic̄ Londoñ ſalutem. Ex graui querela J. filie E. et W. ſoꝛoꝛis eiuſdem J. accipimus quod cum ſcōm conſ in eadem ciuitate hactenus obtentam et appꝛobatam liceat vnicuiq̄ cum eiuſdem ciuitatis teñ ſua in eadem ciuitate in teſtamēto ſuo in vltima voluntate ſua tanquam catalla ſua legar̄ cuicumque voluerit ac S. ciula ciuitatis predicte. iiii. meſuag. cum pertiñ in eadem ciuitate in teſtamento ſuo & vltima voluntate ſua. Et habēdi ſibi et her̄ ſuis de coꝛpoꝛe ſuo exeunt̄ lenaſſet R. et W. vꝛoꝛi eius duo meſ. et tres ſhopas inde pꝛefatis J. et W. filiabus et hered̄ eiuſd̄ R. defoꝛt̄ minus iuſte in ip̄ſaꝝ J. et W. diſpendium non mod̄ et grauamen. Et quia eiuſdem iniuriari nolumus in hac parte vobis pꝛecipimus q̄ vocatis coꝛā vobis partibus pꝛedict̄ auditiſq̄ hinc inde earū rationibus inſpectoq̄ tenoꝛ teſtamenti pꝛedicti eiſdem J. et W. fieri fac̄ debitum et feſtum iuſtitie complemētū pꝛout de iure & ſecundum conſuetudinem pꝛedictam fuerit faciend̄ et hactenus in caſu cōſimili fieri conſueuit Teſte. ꝛc.

THys wryt lyeth where a mā is ſeiſed of certeine landes or tenemen-tes in fee, wythin a Cytye, towne, or Borough, whych landes or cuſtomes are deuyſable & be by hys teſtamente de-uyſe to a man the ſayd tenementes, and dyeth, yf his heyre or any other man en-tre in the ſayd landes or tenemētes ſo de-uyſed, than the deuyſe or hys heyre ſhall haue the ſayd wryt agaynſt the heyre of the deuyſour, or agaynſt any other man that abated, nat regarding in what ma-ner degree that he is in, after the deuyſe made, yf the deuyſour dyeth, the deuyſe nat anulled in the lyfe of the deuyſoure. And know ye: that thys wryt wyl neuer be pleded afore the kynges Juſtyces, but all tymes afore the Mayre, & the bayly-fes of the Cyte or Borough, or afore the Baylyfes where there is no Mayre, or a fore the baylyfes of any towne, or afore baylyfes of fee, or ſeignory where there is ſuch blage. And knowe ye: that no fre holde maye be deuyſed, but where ſuche blage is, for euery deuyſe of fretholde is agaynſt the comon law but the law ſuf-fers ſuche deuyſe to be made bycauſe of ſuch blage of ſo louge tyme vſed. And ỹ Proces is ſuche, that the tenaunt ſhalbe comoned to be afore the Mayre and the baylyfes at a certeyne day to ſhew wher

Proces.

fore

fore the other ought to haue execucyon, and yf he can nothyng say agaynst hym, ehs the demaundant shall haue execution.

☞ Addicion.

☞ Note ye what deuises are good and what nat, and who shall deuyse and of what thynge, and who shal haue auaun-tage of the deuyse. W.xxii.E.iii

☜ If lande be deuysed to a man by te-stament wythoute shewyng what estate he shall haue, he hathe nothynge but for terme of lyfe.

☜ Note ye that the husbande may de-uyse lande in fee or for terme of lyfe to hys wyfe. W.iii. E.ii.

¶ A woman may nat deuyse land by her testamēt to her husband, for bycause she may nat make testament but by the assēt of her husband, and that is the dede of ỹ husband to make estate to him self, whi-che is agaynst the lawe. A.iii. E.iii. Nō Not.

¶ Lande deuysable is gyuen to the hus-bande & his wyfe, & the heyre of theyr. ii. bodyes begotē, & for defaute of such yssue to remayne to ỹ ryght heyres of the hus-band, the husbande deuysed the same re-mayndre to hys wyfe that is tenaunt in tayle, and dyeth wythout yssue betwyxt them, this deuise of remaynder is good. An.xxvii. E.iii. Li.ass. pla. to.xl.

☞ A woman seysed of certeyne land de-uysable take a husbande & hath yssue, and P.xxix.E.iii

the wyfe deuyse the lande to her husbād & dyeth, nowe he shalbe iudged in, as tenaunt by the Courtesy, & nat as tenant by force of the deuise, for the freholde begynneth in hym afore the deuyse.

W.xlv.h.vi. ¶ A man deuysed lādes for terme of life and deuysed forther that his executours shulde sell the reuercyon, and dyeth, the executours sold the reuercyon wythoute decor, for bycause that is but a contract and the reuercyon passeth by the auctorryte of the deuyse & the testament is the cause that the reuercyon passeth, for if a man make a preest hys executour, & deuysed þ his executour shal sel the reuercīō, that is good wout dede, for otherwyse it shal neuer take effecte, for a preast maye make no dede that shal bynde hym and a fyne he may nat leaue for that, þ he hath nothyng in that.

W.V. E.ii. p.xxxix. E.iii. ☞ A wyfe of the assent and wyll of her husbād maketh a testament & deuysed by the same, halfe the goodes of the husbād and maketh her executours, who pueth the testament by the assent and wyl of þ husband that is good deuyse.

W.lxvi. b vi. ☞ If a man deuyse lande whereof he is nat seysed, yf after he purchase the land, the deuyse is good.

Nota. vi.b.vi. ☞ Note ye yf land be deuised to a man and to his heires males of his body, and he hath

he hath yssue a doughter which hath yssue a sonne, the sonne shal enherytte, and yet of a gyft otherwyse is.

☞ Note yet that the kynge may nat deuyse land by testamēt, nor giue nothyng but that, ỹ he hath in possession, by Fort. W.xxxvii. ỹ.vi.

☜ Note yet that executours may pay ỹ dettes afore any deuyse performed. T.ii. ỹ.vi.

¶ It is sayde, that there is diuersyte betwyxt a graunt & a deuise, for yf one deuyse lande to me for euer, or to my assygnes for euer. &c. & speaketh nothynge of his heyres. &c. that are wordes of enherytaunce, yet the deuyse is good to take effecte in the deuyse as a Fee simple, for ỹ that hys wyl and entent shalbe taken in thys case. &c. W.xxviii. ỹ.vi.

☜ If a man deuyse goodes & dyeth, the deuyse may nat take goodes without lyuere of the executours. W.xxxvii. ỹ.vi.

¶ If a man deuyse a boke, or any other thyng to one for terme of lyfe, and after his decease the reuercyon to another for euer, yf the executours delyuer the goodes to the fyrst deuise & after ỹ delyuere the deuyse dyeth, thā the seconde deuyse may seyse the goodes wythout liuere of the executours, for possession of the fyrst is the possession of both, whych was denyed by some men, therfore enquyre the lawe T.xxxvii. ỹ.vi.

☞ If two toyntenaunts are, & the one

denyse al that, that to hym belongeth to a strauger & dyeth, this deuyse is voyde Causa patet. &c.

¶ A wryt de Cõi custodia.

A wryte de põi custed, is suche.

REx vic̃ salutem. prec̃ A. quod iuste et sine dilatione reddat B. custodium terre hered̃ D. et E. que ad ipsum B. pertinet eo q̃ predictus D. terram suam de co tenuit per seruicium militare vt dic̃ et nisi fec̃, et predictus B. fec̃ &c. tunc sum̃. &c. T. &c.

THys wryt lyeth where a man holdeth landes or tenementes of anther by knyghtes seruyce, and the tenãt dyed hys heyre vñ in age, a strauger entreth in ỹ landes & obteyne the warde of the body, than the lord of whom thys lande is holden, shal haue the sayd wryt.

Proces.

And the proces is in this wyse, Somons, Attachement, & two dystresses & day shal be gyuen afore the second distres retourned the. iii. shyre courtes maye be holde. And thys proces is gyuen by the statute of Westm. 2. Cap. 35. whych begynneth. De pueris siue masculis. &c. And wyth ỹ agreed Mark. Cap. 7. whych begynneth In plito vero de cõi custodia. &c. As to ỹ dystres, but nat to the proclamacio. And also wyl the sayde statute, that yf the defendant come nat at the proclamations made in the. iii. countyes, the pleyntyfe shall recouer the warde for the tyme, sauynge another tyme the tyght of the defendaunt

fendant whan he wyl speake. And also if the warde belonge to the lorde by reason of a warde that he hath in possession, & a straūger obteyne the same warde ꝑ lorde shal haue the sayde wryt, but the comon prces is, as afore was bled in the comō law, & the lorde shall holde the warde by reason of the warde vnto hys full age, & this is ꝑ cause, for that, that it is a chatelin hym, and he is therof seysed, & he maye nat be put oute of possessyon afore the full age of the heyre. And knowe ye: thauk the garde in make wast in any ꝑte of the warde, he shall lose the warde and ouer that he shal yelde damages to the ēfant, & ꝑ the warde lost sufficed nat to ꝑ value of the damages afore the age of ꝑ heyre le shal make gre of the remenant. And thys wyl the statute of Glouc. Ca. f. In the wyndes, whych begynneth. Enclement & purueu, &c.

☞ A wryt de Entrusion de garde.

A wryte de Entrusion de garde is such.

REr vic̄ slutē. Si A. fec̄ te. ꝛc. tūc sum̄. ꝛc. B. fil'. et hed̄ D. q̄ sit coram. ꝛc. ostēsū quar cū custodia terre et hed̄ ipsius D. ad ipsum A. vsq̄ ad legittimam etatem predicti hed̄ pertinet ratione dimissionis quam A. de B. de quo predictus D. terrum suam tenuit per seruitium militare, inde fecit predicto A. et idem B. infra etatem exiliens se in terram predictam intrusit et custodiam illam a prefato A. adhuc detinet ad grauē dampnum ipsius A. vt dicit

Et habeas ibi ſũma et hoc breue. ꝛc. teſte. ꝛc.

THys wryt lyeth where the infant within age entred in hys landes & holdeth hys lorde out, the lord ſhal nat haue the fezelayd wzit de Cõi cuſtodia, but this wzit of Intruſiõ of warde.

Addicion.

T.vi.ꝑ.iiii. ☞ Note ye:ꝑ an Abbot ſhall haue thys wzyt of Intruſion, of an Intruſiõ made in the time of his ꝑdeceſſour, and he ſhal make mencion in his wzit that gre was nat made to his pzedeceſſour noz to hym.

A wryt foz the valure of the maryage.

A wryte foz the valure of the mariage is ſuch

REx vic̃ ſalutẽ. Si A. fecerit te ſecur. ꝛctunc ſum B. filium ⁊ heredẽ C. ꝛc. oſtens quare ch̃ maritagium predict̃ B. ad predictum A. pertinet eo, ꝙ predictus C. terram ſuam de eo tenuit per ſeruicium militare et eidẽ A predict̃ B. dum infra etate fuit competens maritagiũ obtulerit idem B. maritagium renuens prefato A. de maritagio ſuo, nec ſatisfactionem et ſatisfacere condradicit ad graue dampnum ipſius A. et contra formam ſtatuti predicti, vt dicit. Et habeas. ꝛc. Teſte. ꝛc.

THys wzyt lyeth where the lozd pzefereth conuenable maryage to the Infant without dyſpargement, & he refuſe, the lozde ſhal hauethys wzyt, wherby he ſhal recouer the ſingle value of the maryage. ꝛc.

A wzyt of Fozfaure of maryage.

Rep

Rex vic̃ salutem. Si B. de p. fecerit te secur de clam̃ suo ꝛc. tunc sum̃. ꝛc. C. filium et he redē D. quod sit. ꝛc. ostens̃ quare cum marita gium ipsius C. vna cum custodia ducentarum ac̃ terre cum pertiñ in R. ad ipsum A. pertine at ratiõe dimissionis F. cui S. cũ dimisit de quo predictus D. terram suam tenuit per seruitiũ militare inde fecit prefat. A. et eidem A. prefa to C. dum infra etatem fuit competens mari tagium absq; vlla dispagatione, iuxta formam statuti de communi consilio regni nostri inde prouisi sepius obtulerit idē C. maritagiũ illud recusans vel sine licentia et voluntate ipsius A. maritari fecit, ꝛ se in terrã predictam pre fato A. pro maritagio suo non satisfacto violē ter intrusit, de maritagio predicē eidem A. sa tisfacere contradicit, ad graue dampnum ip sius A. et contra formam statuti predicti vt di cit. Et habeas ibi sum̃. ꝛc. Teste. ꝛc.

A wryte of Forfayture of maryage is such.

This wryt is giuen by the statute of Martõ. Cap. 6. and lyeth wher the lord profereth cõuenable ma ryage to the infant wout dyspergemene and he refuse, & he beyng within age ma rye hym selfe, in thys case the lorde shall haue the wryt of forfayture of mariage & recouer ꝑ doble value. And if this Bar dein hath recouered the value of the ma ryage agaynst the rauysshour, yf he pfer to the heyre a cõuenient mariage & he re fuse to be maried, & after mary hym selfe the lorde shal nat recouer the double va lue of the maryage, for that, that he toke the value of the maryage of ꝑ rauisshour

N.b. And

And yf the heyꝛe that is rauyſched be maryed without aſſent of the rauyſchour, & after the Gardeyn recouereth the value of the maryage agaynſt the rauyſchour, in this caſe the rauiſchour ſhal nat haue thys wꝛyt of Foꝛfayture of maryage agaynſt the heyꝛe, foꝛ the heyꝛe may plede that he hath no ryghte of the ſeygnoꝛye, noꝛ the loꝛd ſhal nat haue a wꝛit of Foꝛfayture of mariage, foꝛ that, ꝑ he hath receyued the value of the maryage againſt the rauyſhour. Note ye that ſome mens oppniõs is ꝑ a wꝛyt of Foꝛfayt of mariage, not the value of the maryage is nat gyuen to the loꝛde, wher he hath ꝑ land in hys hand, by reaſon of whych he hath the wardſchyp, but if the heyꝛe abate in ꝑ lande at hys ful age afoꝛe that he hath agreed with the loꝛd foꝛ hys maryage, he ſhal haue the ſaid wꝛyt, foꝛ that is mencioned of in the wꝛyt, but in caſe that he hath nat the wardſchyp of ꝑ land, he ſhall haue the wꝛyt afoꝛeſayd, foꝛ there ſhalde no mencion made of the abatemẽt of the heyꝛe into the lande.

☞ Addicion,

f.xliii.E.iii ☞ Land was giuen to the huſband and his wife, & to the heyꝛes of their two bodyes begotten, and hath yſſue a ſonne, ꝑ huſbande dyeth and after the wyfe dyeth and the loꝛd ſeyſe the warde, and pꝛofer

to

to hym maryage, ſ̄ whyche he refuſeth & maryeth hym ſelfe, & at his ful age, he entred in his land wythout gremeut made to the lord, the lorde bryngeth a wryt de Quare ītruſit maritagio nō ſatiſfacto, in the which wryt hedyd ſuppoſe that ſ̄ defēdant was heyre to hys father, wher the mother ſuruyued and the defendant pleaded that, in abatement of the wryt, and the wryt was awarded good: for ſ̄, that it is in the plonalte, & it is a plonal wronge made by hym ſelfe to whyche he ought to anſwer. And the Gardeyn ſhal recouer the double value of the mariage.

☞ A wryt de Rauyſhement de garde.

A wryte de rauiſhment degarde is ſuch.

REX vic̄ ſalutē. Si A. de B. et C. vx. eius fecerit t.c. tūc pone. tc. q̄ ſit coram Juſtic. nr̄is ad p̄mā aſſiſam. tc. oſtenſū quare J. filii. et heredum h. infra etatem exiſtentē cuius maritagium ad ipſos A. t C. pertinet ap̄ō w. inuentum rapuit t abduxit contra voluntatē ipſorum A. et C. et contra pacem noſtram.

¶ Et ſi her̄ ſit in eor̄ Comitatu, tūc addat iſta clauſula. Et interim diligēter inqras vbi ille her̄s eſt in ball̄ tua t ipſū vbicūq; inuētus fuerit capias t ſaluo t ſecure cuſtodias: ita q̄ eum habeas ad p̄fatā aſſiſā coram p̄fatis Juſticiariis, vl̄ coram nobis ad p̄fatū terminū, vl̄ coram p̄fatis Juſtic̄. nr̄is ad p̄dictū die ad reddendum cui vl̄ quibus dictor̄ū A. C. t J. reddi debet. Et habeas ibi nomina pleg. et hoc breue. teſte. tc

OStenſum quaſ cū cuſtodia Juliane filie v̄ſius her̄ S. ad ipſū S. ptineat ratione vēditionis

tionis ꝙ A. de T. de quo predictus K. terram suam tenuit per seruitium militare, inde fet eidem A. predict B. et C. predictam Julianam infra etatem in custodiam ipsius A. apō N. ex istñ vi ⁊ armis rapuerunt ⁊ abduxerunt. ⁊ bona, et catalla ipsius A. ad valenc. ꝛc. ibidem inuenc ceperunt et asportc. ꝛc.

THys writte lieth in case where any lorde is in possession of the wardshyp of the lande, & of the body, & a straunger rauyshe the body of the infant wythout any other thyng, than the lord shal nat haue ꝑ forsayd writte de Cōi custoō: but thys writ of Rauyshement of ward, that supposeth the infant to be rauished with force & armes. And for that the proces is as is conteyned in forsayd statute, that is to say, Somons, Attachement, & Dystres, & for defaute of dystres proces of outlawry, as in a writ of trespas ☞ And note ye: that whan the heire is rauyshed in one countie and brought in another countye, than the lord shal haue such a writ, the whyche is gyuen by the statute of Westm. 2. Cap. 15. whiche begynneth. De pueris masculis, siue femellis quorum maritagium. ꝛc.

proces.

REX vic salutem. Questus est A. ꝙ B. nup C. filium et heredē J. infra etatem et in custodia sua apud N. in com L. existenc rapuit ⁊ de com illo ad talem locū in com tuo abduxit contra voluntatem ipsius A. ⁊ contra pacem nr̄m. Et ideo tibi precipimus ꝙ ꝑdictus C. vbicūq; in bal-

in ballliua tua inuenf poteris capias saluo et secuf custod, ita quod eū habeas corā Justic nostris tali die ad reddendum cui predictus A. et B. reddi debeat. ꝛc.

De herede abducto fiat tale breue. Rex. ꝛc. Ostensum quare cum custodia terf et heredis D. vsq; ad legittimā etatē eiusdē heredis ad ipsū A. pertinet eo q predictus D. terf suam. ꝛc. Et eidem A. in plena ꝛ pacifica seisina. ꝛc. predictus D. filium ꝛ heredē. ꝛc.

¶ And the pces is, as is afore clayd in ꝑ wryt of Raupshement of warde, ꝛc. Proces.

¶ Add note ye: that yf any man holdeth any landes or tenementes of any lorde by knyghtes seruyce & dyeth, his heyre vnder age, the same lorde may entre in ꝑ warde of the land, & take the body of the heyre. And if one tenant holde. ii. acres of land seuerally by seuerall seruyces, the lorde of whom the land is holden by the auncient feoffement shal haue the warde of the body and that is giuen by the statute of Westm. 2. Capi. 19.

¶ And note ye ꝑ there is, ii. maners of wryts of warde. The one is where a mā holdeth of another, landes by knyghtes seruyce. The other where he holdeth in Socage. The wardshyp by knyghtes seruyce belongeth to the chefe lorde of the fee. And the wardshyp in Socage belongeth to the next Cosin, after ꝑ statute de wardis, to whom the herytage may not dyscende. But in case that the mother be

on lyue & the herytage discende from the part of the father, & the heyre be wythin age the mother shal haue the wardshype alwel of the land as of the body, & in the same maner shal the father haue & so shal other Coleyns and auncestours haue.

¶ And in case that the next frende be defoyled of ỹ warde, he shal haue this writ.

REx vic̃ salutẽ. precipe A. q̃ iuste. ꝛc. redd̃ B. custodiã terr̃ et heredis C. que ad ipsũ B. ꝑtinet: q̃ predictus C. terrã suã tenuit in Socagio et p̃dictus B. est ꝓpinquior hered̃ ipsius C. vt dic̃. Et nisi fecerit. ꝛc. Teste. ꝛc.

☞ And if the heire in Socage be rauyshed & nat maried, thã the Gardeyn shal haue thys wryt.

REx vic̃ salutẽ. Si A. fecer. t te. ꝛc. de. ꝛc. tunc pone ꝛc. B. q̃ sit. ꝛc. coꝝ Justic̃ ostens. quare cũ custod̃ terr̃ et hered̃ C. vsq; ad legittimã etatẽ ipsius hered̃ ad ipsũ ꝑtinet eo q̃ p̃dict. C. terr̃ suã tenuit in socagiorꝛ p̃dict A. ꝓpinquior est hꝛ ipus C. infra etat, ꝛ in custod̃ ipius A. existit, apd̃ N. inuẽt vi ꝛ armis cepit ꝛ abdux. et alia ẽomnia ci: ꝛc. vt in bre. de Trãsgressiõe

ALiter q̃ maritatur. Rex. ꝛc. vi et armis cepit et abduxit. ꝛc. ipsum sine licẽtia ꝛ voluntate ipsius A. maritauit ad graue. ꝛc.

☞ And note ye: that a writ of Rauisshment of warde for the Gardeyne in Socage, is nat giuẽ by ỹ statut of Westm. 2 Ca. 35, which begynneth. De pueris. &c. But for that, that ỹ statute of Westm. 2 Ca. 24. is, q̃ quer̃tes non recedãt a Cancellar̃ sine remedio: this wryt is gyuẽ by

ỹ M. E. ii.

the

the comon counsell of the chauncery, & the wryt was that he claimeth the ward bn to be come to ful age, & the wryt was awarded good. Note yet that gardeinship in Socage may nat be sold.

☞ And note ye that a man may demaūde the wardshyp in thre maners. One maner is whan a man demaūdeth the ward shyp of the lande & of the body by a wryt of Ryght of ward, as afore is sayd. The second maner is, whan one tenaunt holdeth of two lordes, of the one by prioryte and of the other by posteriorite: the lord of the posteriorite may nat bryng a wryt of Warde of the lande and the bodye: for the body belongeth to the lorde of prioryte, and ther ꝑ lord of posteriorite shall haue a wrytte of Eiectement de garde. The thyrde maner is whan a man hath the lande and nat the body. Than he shal haue a wryt to demaundt he body wyth oute the lande, and that by thys wryt of Rauyshement of warde.

☞ And note in case wher the heire hath bene in warde of the lord, & the lord wyll nat delyuer to hym his landes at his ful age. Than the heyre shall haue Assyse of Mordauncestour and recouer the lande with his damages: after that, ꝑ he come to hys ful age. As it appereth by the statute of Mark. Ca. 16, whych beginneth.

Si

Si heres aliquis, &c.

☞ And note ye: ꝑ yf the infant be maryed in the lyfe of hys father, thoughe that after the deathe of hys father he is wythin age, and the wyfe of the heyre dyed, the lord ſhall nat haue the martage for that: that he was one tyme maryed. In the ſame maner is yf the lorde marye the Infant and hys wyfe dyed, he beyng wythin age, the lorde ſhall nat haue the maryage another tyme.

☞ It is ſayd that there is Gardeyn in ryght and Gardeyne in deede, for yf the Gardeyn in dede let the land to a ſtraunger for yeres, a writ of Dower, or a writ of warde is nat mayntenable agaynſte hym, but agaynſte the lorde, Otherwyſe is, wher the Gardeyn in ryght, or Gardeyne in dede, lettes hys eſtate without wrytyng vnto the ful age of the infaunt in whych caſe the wryt ſhalbe mainteyneyned agaynſt thoſe leſſes.

☞ And note: ꝑ yf the heyre hath bene in warde, he ſhal pay no relyefe but where hys aūceſtour held of ꝑ kyng by knightes ſeruice, or by fee ferm, ꝑ paieth knightes ſeruyce, the kyng ſhal haue the ward of al the lands & the bodye, & whan he commeth at his ful age, he ſhal paye relyefe to theſe other lordes, after the quātite of hys tenure, as it appereth by the greate

Char

Chartour. Cap. 2. But the heyre in frāk Socage, whan he cōmeth to hys full age after the death of his auncestour he shal double the rent ꝑ he was wont to pay to the lorde & that shal be in place of relefe. As it appereth by the statut de wardis & releuijs. Capitulo primo.

¶ Note yet, that Socage may be layd in thre maners, that is to say, Socage of fre tenure, Socage of Auncient tenure, and Socage of base tenure. Socage of free tenure is where a man holdeth by free seruyce of .xii. ꝺ by yere for al maner of seruyce, or by other seruyces yerely. And in this Socage the next coūin to the infant to whom the heeritage may nat discende, shal haue the ward as it is aforesaid. Socage of auncient tenure is of lande of auncient demeane where no writ originall shalbe sued, but the writ of Right, that is called Secūm cōsuetudinē manerij. Socage of base tenure, is of those ꝑ holdeth in Socage, and may haue no other writ but the Monstrauerunt & such Sokmen holdeth by no certeyne seruice, & for that are they nat fre Sokmen.

¶ A man shal haue a writ of Rauishement of warde of the body natwithstandyng that he was neuer in possessyon of the body: for maintenant after the death of hys tenaunt, the heyre beyng within

age, the possession of him is aiudged in ỹ lorde by the act of the lawe.

¶ If a man make a feoffement by dede, or by fyne of landes holde by knightes ser uyce, or suffre any recouere against him to hys vse vpon trust & dyeth, hys heyre shal pay reliefe yt he be of ful age and ỹ by the statute of An. 4. H. 7, Cap. 7.

☞ Also if the tenaunt in Socage make feoffement to hys vse, the lorde of whō ỹ land is holden after the death of hys tenaunt, wherof no wyl is declared, shall haue his reliefe & therof & all other duetes, as he ought to haue had, if the tenāt had dyed seysed. And that by the statute of Anno. 19. H. 7. Cap. 15.

☞ Addition,

f.ll. h.iiii. ¶ In a wryt of Rauyshment of warde &c. It was sayd that yt the tenaunt of a byshop die, his heire within age, & after the byshop dyed & seyse nat the Infant in hys lyfe, the successour maye seyse, or haue a wryt of Rauyshment of warde. And it was sayd, ỹ it is no plee in a writ of Rauyshment of ward to say that the auncestour of the infāt held nat of hym, for whether he holdeth of hym or nat, it shal nat be lawful for no mā to Rauyshe the warde from him, without affirming tytle in hym selfe.

W.f. E.ll. ☞ In a wryt of Rauishmēt of warde,

the

the pleyntyf declareth that the father of the Infaunt holdeth of hym a maner by knyghts seruice in S. &c. and ꝓ the defendant hath him rauyshed, & in the writ ꝓ Infãt was made heyre to his father, by cause ꝓ the father dyed seysed of the said maner in hys demeane as of fee. And the defendant alledged ꝓ the grandfather of the Infant died later seised, &c. so ought he to haue ben made heyre to the graund father, and nat to the father, & that was no plee wythout shewyng that the grand father dyed later seysed by tytle, for it may be that he was in by abatemẽt, and after ꝓ issue was taken, that the grande father dyed later seysed of fee, wythoute that, that the father dyed seysed of fee, & the pleyntif mainteyned that the father dyed seysed of fee. &c.

A writ of Rauishmẽt of ward was brought agaynst. iiii. mẽ & a woman, the enquest sayde ꝓ the men were guilty of ꝓ Rauyshment, & nat the womã, but that she maryed the Infant to her doughter, and for ꝓ was she likewyse adiudged guilty, as the other were, & the pleintyfe recouered ꝓ value of the mariage wythout damages, & they awarded to prison by ꝓ statute of W. est. 2. Cap. 1. And it was demaunded of the pleyntyfe yf they were sufficient or nat, & he said that they were:

T. viii. E. iii.

Or otherwyse they ought to be awarded to perpetuall pryson, or abiure the lande by the same statute.

A wryt de electione custodie.

A wryte de electioe custodie is such.

REX vic̃ salutẽ. Si A. fecerit &c. tunc sum̃ per bonos. &c. B. q̃ sit. &c. tali die ostensum qua re custodia terre. &c. hered̃ W. vna cum maritagio vsq; ad legittimã etatẽ eiusdẽ hẽd ad ipsum A. pertineat pro eo q̃ predictus W. terrã suam tenuit de eo p̃ seruic̃ militare. Et idẽ A. in plena et pacifica ſſia eiusdẽ custodie extiterit p̃dictus B. ipsũ A. a custodia illa vi et armis eiecit ac bonã & catalla sua ad valẽ C. li. apũd W. inuent cepit & asportt et alia enormia &c. et contra pacem nostram. &c. teste. &c.

THys wryt lyeth where the lord is put out of the wardshyp of ꝑ land that he hath in his possession, than the lord shal haue the sayd wryt agaynst hym that putteth him out. And know ye that thys wryttc of puttynge out of the wardshyppe lyeth at al tymes, whan the lord is put out of ꝑ wardship of the land without the body, And a wryt of Rauisshement of warde lyeth where the bodye is Rauysshed wythout the lande. And a wryt of Ryght of warde lyeth where he is put out of both. And it is sayd, that the Bardein in Socage may mayntein this sayd wryt, & a wryt of Rauysshement of warde, but nat wryt of Ryght of ward. By the vsage a man may haue a wryt of Ryght of warde, & also a wryt of Rauysshe-

uysshmēt of ward by reason of a warde. And knowe ye that a writ of Ryght of ward the proclamacion shal nat be made afore the great dystres retourned, but in a writ of Meane in the great dystres, it shalbe cōmāded to ỹ shyrif that he make the yclamacio, as is giuen by the statute of Westm. Cap. 9. whych begynneth. Ll capitalx dñi. &c. And also by ỹ same statut Ca. 35. whych begynneth. De pueris. &c wyl that in a writ of Ryght of ward proclamacion shalbe made by defaute of the defendaunt, but by the same statute in a writ of Mauysshmēt of ward by defaut of the defendant he shal make no proclamacyons, but al tymes a distres. And also knowe ye: that Wardeyn in socage, is accomprable at the full age of the infant as it is sayd in a writ of accompt, that is to say, at. xxi. yeres, and nat afore, but ỹ Infant shal haue hys lande in his owne hādes whan he is of ỹ age of. xiiii. yeres. ☞ And note ye: that of lādes holden by knyghtes seruyce, the statute of Mark. Ca. 6. whych beginneth. De his autē. &c. wyll ỹ where ỹ heyre is infeoffed, beyng vnin age by his auncestour, that the lorde shall nat lose the wardshyp by reason of such feoffement made by such Collusyon And also by a feoffement made vpon cōdycion by the auncestour yelding to hym

Note.

and to his heyres a great ſome of money vnto a certeyn terme, at the ende of whiche terme the heyre maye be of full age, & than to entre into the lande, in this caſe the lord ſhal nat loſe the wardſhyp, yf he may proue by his wryt of Ryght of ward that the tenaunt made the feoffement by colluſyon, and yf he proffer to proue by ý countre, & by wrytynge, that the feoffement was made by colluſiõ he ſhalbe receyued. It is ſaid that yf lãdes be let for terme of lyfe the remaynder to another in fee, & he in the remaynder dyed, his heyre wythin age, the lorde ſhall nat haue the wardſhyp of hym duryng the lyfe of the tenaunt for terme of lyfe: but if ý tenãt for terme of lyfe dye, the heyre beyng within age & entre in the lande by force of the remaynder, now the lorde ſhall haue the wardſhyp: for that, that he is as heyre to his father. And in caſe that a man let lãdes & tenementes to another for terme of lyfe ſauyng the reuerſion to hym and to his heyres, if the leſſour dyed, hys heyre beyng wythin age, the lorde ſhal haue ý warde & mariage of the heyre, notwythſtanding that he hath eſtate for terme of lyfe, to holde of the chyefe lord of the fee. And alſo yf land be gyuen to two, to the one in tayle, and to the other for terme of lyfe, yf he in tayle dye hys yſſue beynge

with

wythin age, the lorde shall nat haue the warde of the bodye: for that, that the tenaunt for terme of lyfe is tenaunt to the chyefe lord, but after the death of the tenaunt for terme of lyfe the heyre beynge wythin age, he in the reuercion shal haue the wardeshyp & nat the lorde. If the father be seysed of certeyne landes or tenementes, & hath issue a doughter wythin age that is his heyre, & mary her to a mā of ful age, & dyed, the lorde shall nat haue the wardshyp: for that, that the husband is able to make the seruices due by reason of the land. But in case that a man mary his doughter beyng of ful age to an Infant & dyed, in this case ỳ lord shal haue the wardshyp, for the wife may make no seruyces duryng the maryage: quere. Quere.

☞ And note ye: that al wrytes of warde excepte thys wryt of puttynge out of the wardshyp, may be pleaded in the cōsty & remoued into ỳ comon place by a Bone. And wher the statute of West. 2. Ca. 16. whych begynneth. In casu quo. &c. wyll that if landes discend from the part of ỳ father holden of one man, & other landes discend from the part of the mother holden of another man, that lorde of whom the land is holden by the fyrst feoffement shal haue the wardeshyp & the maryage, but the tenaunt by vys feoffement may

chaunge the p̄iorite & put into the poste-
riozite. But it is sayde yt a man come to
dyuers landes holden of diuers lozds by
one feoffement, he that fyrst may obtein
the warde of the body shal haue it, but if
landes be holden of the king by knights
seruyce, he shal haue the wardship as wel
of the landes holden of other lozdes by
knyghtes seruyce, as of any other lands
holden of hym selfe, & also shall haue the
maryage, hauing no regarde to the p̄io-
rite, noz to ꝑ posteriozite. As it appereth
by the kynges p̄erogatiue. Capi. 1. And
note yet that it was iudged foz the Erle
of Warwike, An. 20. E. 3. wher the Erle
was seysed of an Infant and of his lan-
des: foz that, that his auncestour dyed in
his homage, wher other landes was dis-
cended to ꝑ same Infant by another an-
cestour, that was holden of the kynge by
p̄iozite, oz posteriozite, in the one case, oz
other the kynge shal nat haue the ward-
shyp of no landes, but of such landes hol
den of him selfe, noz the wardshyp of the
body, & the cause is: foz that, that ꝑ Erle
was seysed of the warde at one tyme by
true tytle. And knowe yet that if any te-
naunt dyed seysed of anye landes holden
by posteriozite, the lozd of wh̄ō the lande
is so holden obteineth the wardshyp of ꝑ
body: if after other landes discend of the
same

same Infant, that are holden of another lorde by prioryte, the lorde that fyrst obteyned the ward shal nat be put out of ꝑ wardshyp by hym of whō the auncestour of the heyre holde by prioryte: for that, ꝑ it was a chatel one tyme in the possessiō of the lord of whom he helde by posteryoryte. And note yet that yf two coparceners bryng a wryt of warde and the one wyl nat pursu, ꝑ other shalbe receiued to pursue her right of the halfe of the land, and the hole body, otherwyse is in al maner of accyons personalles, as trespas, Dette, Couenaunt, or suche lyke, the nat suynge of the one, shalbe the nat suynge of the other. And note yet that yf an Infant be rauisshed and maried by the Rauysshour to one wherby he is disperged, he may forsake hys wyfe yf he hath nat knowen her carnallye before the age of xiiii. yeares.

Addicion.

☞ Note yet that these wordes were in the sayd wryt. Quare custodiā terre & heredis, & it was chalenged, for thys wryt properlye hath relacion to the lande, and he may haue another wryt for the body, and natwythstandyng the wryt was awarded good. T.M. L.F.

☞ Note yet that thys sayde wryt was brought of land & rent, & was challeged v.xiii. E.iii.

for that: ꝑ rent may nat beholde, for the meane is tenaunt of the lande hauynge regarde to his lorde & of hym he holdeth the lande, & nat the rent, for this writ of Warde, Eschete, Cessauit are nat giuen of rent, but after of good wyl the defendant pāsseth ouer. Ideo quere.

ꝑ.Pl. C.iii. ¶ In this writ of partynge out of the wardeshyp by reason of a deuise, suche a clause was in the writ. Et blada sua apd D. nup crescēt mitt̄uer & blada illa ac oia alia bona et catalla ibid inuent capere et asportare &c contra pacē, & for that, ꝑ this writ was graunted vpon the ryght of ꝑ seygnorye, & wythin the same an accyon of Trespas agaynst the peace cōprehended is there cōprehended within the same accion, ii. accions of diuers natures, wherfore the writ abated.

An.Vii.ꝑ.Vi ¶ If an Infant beyng aboue the age of xiiii. yeres, make alliaunce in the lyfe of his auncestour, & after his auncestour dyed nat wtstandyng thys alyaunce, the lorde shal haue the mariage. Also if the infant be maryed in ꝑ lyfe of hys auncestour & the auncestour & she to whom the infant was maried dyed, the infant beyng within xiiii. yeres, the lorde shal haue the maryage, otherwyse is yt he were paste ꝑ age of. xiiii. yeres at ꝑ time of ꝑ death of hys auncestour, or at the time of ꝑ death of her

to

so who he was maryed, for by ꝑ taking of the seconde wyte he is made bigamus to whych ꝑ law wyl nat cõstrayne hym, but if the infant be maryed by the lord, and the to whom he is maryed dyeth he beyng vnder the age of .xiiii. yere: quere yf the lord shal mary hym another tyme. Quere.

¶ If the tenant ꝑ holdeth by knyghts seruice entre into religion hys issue vnder age: quere yf the lord shal haue ꝑ wardeshyp durynge the natural lyfe of the father for such death maketh no dyscent ꝑ taketh away any mans entre, nor suche death intyeth no woman to haue dower durynge the natural lyfe of the husband.

¶ A wryt of Eschept.

A wryte of Escheyte in such.

Rex vic̃ salutẽ. pręd A q̃ iuste ⁊ sine dilatiõe reddꝫ B.r.acras terre cũ ptiñ in N. quas B. de eo tenuit ⁊ q̃ ad ipsũ T. reuerti debẽt tãꝫ escaeta sua, eo q̃ predictus B. bastardus fuit et obiit sine herede, vt dic̃. ⁊c. aliter rõne felonie quas de eo tenuit ⁊ ad ipsũ T. reuerti debent tenꝫ escaeta sua, eo q̃ predictus B. felonie fecit pro qua suspensus fuit: vel vtlagatus fuit, vel sic, pro qua regnum nostrum abiurauit. Et ni si fecerit tunc sum̃. ⁊c. T. ⁊c.

This wryt may be formed in many maners: for yf the very tenant of any lord ꝑ holdeth any tenemẽt of him wythout meane make felony, for ꝑ whych he is hanged, or for lese ꝑ kynges lande, or yf he be heded, or outlawed or banquyshed by batalle to death, or if he

he be barstard & dye without heyre of his bodye, or dye wythout heyre generall, or speciall, than yf any mã entre in those lãdes or tenementes, ỹ chyefe lorde of whõ he holdeth after a yeres & daye of the felony made, may recouer the tenemẽtes a forclayd by thys writ of Escheyt, accordyng to his case, as it appereth in the re
Proces. gistre. And the proces is in the wryt. Somons, graunde Cape, and petit Cape. And against the Jurours Venire facias, Habeas corpora, & distres. But if the tenaunt in taile, tenaunt in dower, tenaũt by the courtesye, or tenaunt for terme of lyfe, make felony, for the which he is attaynted, as is aforesayd, the kynge shall haue the Eschet durynge theyr lyues, & after theyr dettes, he in ỹ reuercion shall sue to the kyng by petition, & shal haue the sayd landes out of the kinges hands and nat the lorde by way of Escheyt: for that, that the said tenaũtes are nat very tenaũtes to the lord, for none is called very tenaunt, but tenaunt in fee simple Nor he in the reuercion maye nat haue ỹ lande duryng the lyfe of such tenaunte for that, that the lande is gyuen to them by the lawe duryng theyr lines without any suche forfayture to hym in the reuercyon, but the kynge shal haue the lãd as aboue is said, for ỹ hainous act cõmitted

agaynst

against his law. And note ye: ꝑ in Magna Carta. Ca. 22. which beginneth, Nos non tenebim⁹, &c. wyl that yf the tenaũt in fee symple make felony, &c. The kyng shal haue the landes for a yere & a day, & after to be yelded to the chyefe lorde Immediate. And by the kynges prerogatiue Cap. 17. wil that the kyng shal haue such landes for a yere & a day, & after the tenements shalbe wasted & destroied, that is to say, houses, gardens, woddes, & euery other thyng belongyng to the sayd tenementes, and after they shalbe delyuered to the chyefe lordes, except those tenements that are in Glos, Kent, & Gauelkinde that are by Custome, for those tenements shal reuert to the next heyre as no felony had ben made. And note ye that yf tenãt in Fee symple be attainted of felony and dyed, his wife shal nat be dowed, nor his heyre enherite: but if the tenant in tayle be atteynted of felony & dyed, hys heyre shall enheryte: for that, that he is helped by the statut of Westm. 2. Ca. 1. that wil that by dede, nor by feoffement, the heire in tayle shal nat be barred, but in ꝑ case, the wife shal nat be dowed: for that, that she hath no accyon at the comon law, nor yet helped by the statute.

Note. Note ye: ꝑ wher a man is outlawed for felony euerye accion that he hath for catelles

catelles, goodes, & enheritaunce, ꝑ rygbt is extinguyshed in hys ꝑson, & he is nat answerable, but if he purchase his Chartour of ꝑdon & purchase other landes after in fee, it is sayd that his yssue shal en herite, but if his heyre do a felonye, & for the same outlawed in the lyfe of hys father, and after the death of his father he purchase hys chartour of pardon, yet he shal neuer inherite, for that, ꝑ the blode betwyxt him and hys father at one time was corrupted. And note ye, that if a mā be outlawed for trespas he shal neuer be aunswered in any accion personal: vnto such tyme he hath purchased hys Chartour of pardō, but in any plee reall to say that he is outlawed for Trespas that is nat to the accion, but to the ꝑson, as Excōmengement is. And note ye: that a mā shal nat haue his chartour of ꝑdon for ꝑsonall Trespas alowed, excepte he sue a Scire fac out of the record agaynst the partī, at whose suit he was outlawed or knowe wherefore hys Chartour of ꝑdon shulde nat be alowed, and that is gyuen by the new statute of E. 3. An. 5. Cap. 12.

☞ And note ye, that yf a man be beaded for felonye by iudgement, the lorde shall haue a wryt of Escheit, & shal say that he was hanged, & it shalbe no trauers to sai that he was nat hanged, & that was iud

ged

ged in the parlyament. An. 8. E. 3.

Addicion.

☞ In a writ of Eschept, the writ was challenged: for that, that he suppoled, ꝑ he that made the felony helde of ꝑ father of the demaundaunt whose heyre he is, where the writ shuld be: Quod de eo tenet, for that, that after the death of hys auncetour whose heyre he is, he was tenant to hym by cause of the seignory discended, and nat allowed. p.xlvi.B.

¶ If a man hold two acres of land of a man by seueral seruyces, and dyed without heyre, it is conuenient for the lorde to haue two writs, and yf a man holde of me. x. acres of lande, and afore the statute he make a feoffemēt of one of thē to hold of hym by. vi. ſ. and dyed wythoute heyre, I shal haue a writte of Eschepte suppolynge that he holdeth of me. ix. acres and. vi. ſ. of rent and yet in dede he holdeth the land of me ⁊ the cause is for that, that they of the chauncery wyl nat graunt a writ of any other fourme. T.xiiii. ꝑ.vii.

¶ In a writ of Eschept, it is no ple for the tenant to say that he, that the defendant suppoleth to be seysed, that he died nat seised of ꝑ lande, but it is a good ple to that he dyed nat hys tenant, and that yſſue shalbe taken vpon that. xx.li. ꝑ.iiii.

☞ And by the same reason mai he say, ꝑ he hol- xx.lxxvii. ꝑ.vi.

he holdeth nat of hym.

E.iii. 8.ii. ¶ In a wryt of Escheyt it is nat conuenient for the demaundant to shew in his declaracion for what felonye hys tenant was atteynted.

H.xiiii.E.iii. ¶ And yf he shewe any recorde to proue the atteynder, & errour is in the recorde, it is nat materyal.

H.xxxiii. E.iii. ¶ If my tenaunt be iudged to be gaged and after is delyuered to the ordynarye, I shal haue a wryt of Escheyt.

H.xiii. E.ii. ☞ In a wryt of Escheyt, the defendant may make dilcst vpon his auncestour to him.

H.xxxiii. E.iii. ☞ Note ye: that yf rent seruyce be gyuen in tayle, and the tenaunt in tayle discontynue in fee, and the tenaunt attourn and died wythout heyre, so that the land escheit to the dyscontinue the tenaunt in tayle dyed wythout yssue, the donour shall haue a wryt of Escheyt, and nat a Formedon in the reuertour.

H.xiii. E.iii. T.xi. H.iiii. ¶ By the opynyon of Parn and Trewe, that a wryt of Escheyt lieth nat of rent, and that appereth in a wryt de Electione custodie.

H.iiii. An.r. H.vi. ☞ In a writ of Quare se intrusit mari tagio nan satisfacto, the opinion is that a rent lyeth in tenure.

H.xxvi.E.i. ☞ The lord & the tenant are, the tenaunt let hys lande for terme of lyfe yeldynge certayne rent, the tenant hath yssue and

dyed

dyed, the lesse payed to the heyre, and the heyre payed the seruyces to the lorde, as his tenaũt & make felony: for the whych he is hãged, the lorde shal haue a writ of Escheyte: for that, þ he was leyed by þ handes of him that was attainted as by the handes of hys very tenant.

☞ Note ye, that if þ disseysy be attainted of felony, þ lord may entre in þ land. T. vi. h. vii.

☞ A writ de Cõuentione.

PEr vic̃ salutẽ. prec̃ A. q̃ iuste. ꝛc. teneat B. Conuẽtionẽ factã int̃ ip'ũ A. et S. patrẽ p̃dicti B. cuius heres ipse est de vno messua. ꝛc. vel sic inter J. patrem vel matrem, vel fratrẽ vel sororem, auũculum, amitũ vel consanguineũ predicti A. cuius heres ipse est, et C. patrẽ predicti B. cuius heres ipse est. Et nisi. ꝛc. tunc sum. ꝛc. Teste. ꝛc. A writ de Cõuentiõe proces.

THys writ lyeth where cõuenaunt is made by indẽture sealed betwixt two partyes, & the one of thẽ hold nat cõuenãt, thã he that feeleth him greued shal haue the sayd writ. And also yf landes or tenementes be let for terme of lyfe, or for yeres by indẽture if þ lessour put out the tenant, or yf the tenant performe nat the cõuenantes, he þ feeleth him greued, shal haue the sayd writ. And note ye: that no writ of couenaunt shall be mayntayned wythout writyng. And the proces is Somons, Attachement, & Dystres, vnto the party come, for defaut

of dyſtres proces of vtlawry. And ỹ writ of Couenaunt maye be pleaded in ỹ coũtye, or before the Juſtyces of the comon banke, & may be pleaded by the ſame delaies, as a writ of treſpas may. And note ye: that a wryt of Couenaunte lyeth nat but betwyxt thoſe that are partyes to ỹ couenaunt, or theyr heyres or theyr aſſignes, as the wryt wyll.

Addition.

y.x.vi.E.iii. ¶ Note ye that this writ ought to be, ỹ the defendaunt ought to hold couenaunt of ſo much lande, & nat general, as of all the landes let to hym, & the wryt of Couenaunt for leuyeng of a fyne, the wryt ſhalbe certeyne of what land.

xxlvii.E.iii ¶ In couenaunt the wryt was to holde couenant of a meſuage & C. acres of land in N. and the indenture was of al the lãdes and tenementes in N. the wryt dyd nat abate for the variaunce.

T.xxvii. y.vi. ¶ Note ye: that if a man lette landes in Mydd̃ by indenture that are in another countye, yf the leſſe leſſye be put oute he ſhal haue this accion of couenant where ỹ leaſe was made, or in the coũty where the lãd is, natwithſtãding that the dede bereth date where the leaſe was made.

T.xxvi. y.vi. ¶ Note by the opinion of the court that a wryt of Couenaunt lyeth nat of freeholde, if it be nat of a ſpecial matter ſhewed,

wed, as if a dysseysour let lādes to me to warrant & binde him by indenture, that if the dysseysy entre & put me out, thā I shal haue a writ of Couenant, but if the lessour or any other þ hath no right to put me out, I shal haue a writ of Trespas.

☞Note yet that in London a man shall haue a writ of Couenant without writtyng by the custome. T.xvii.h.vi

☞A writ de Dedimus potestatem de fine leuanda.

A writte de Dedimꝰ potestatem de fene leuād is suche.

REX dilecto et fideli suo A. de B. salutē. Cum bre nrm de conuentione pēdeat coram vobis et soc̄ vris. &c. enter W. et H. de decim acris terre cum ptiñ in N. ad finē inde coram vobis in eodē bāco secundū legē leuand, &c. ac prefatus W. a deo languidus sit, et sēto confractus: quod vsq; westm̄ ad diem in breui p̄dicti cōtentum absq; maximo corporis sui piculo venī non possit ad cogn̄, que in hac parte requirit faciend vt accipimus nos statum eiusdē W. conpacientes, in hac parte dedimus vobis potestatem recipiend cogn̄ quam p̄dictus W. fac̄ voluerit in premissis. Et ideo vobis mandamus: q ad prefatum W. personaliter accedentes cognitionem suā recipiatis. Et cū eam recepieritis prefat socios vros inde sub sigillo vro distincte & apte reddatis certiores: et tunc finis ille int partes p̄dictas de terris p̄dictis in eodē banco leuari possit scōm legem & cons regni nostri. Et habeas. &c. teste. &c,

THis writ lyeth in case where two men are agreed to leute a fyne in þ kinges court, & the one of the parties is so feble that he may nat trauaile

than he may purchase this writ out of ꝯ Chauncerye to one Iudge, or to .ii. or mo or to one seriant sworne to the kyng, reherslyng how the writ of couenaūt hangeth betwyxt the partyes, & he that hath pursued this writ of Dedimus potestat & is so feble that he maye nat trauayle. &c. for to make the recognisaunce betwyxte them, & that the Iudge in his ꝓper person go to the party that is so feble to receyue the recognysaunce, & to certify the Iustyces of the comon banke, and whan they are comen with the recognysaunce into the court, than the sayd fyne shalbe ingrossed & inrolled. And in this wyse is no ꝓces, but where suche Iustyces hath receyued the recognisaunce in the maner afore sayd, and wyl nat certyfy theyr felowes of the sayd recognisaunce, than ꝯ party that hath made the recognisaunce maye haue a writte dyrected to the same Iustyces commaunding them, that they certify theyr felowes of the same recognisaunce vnder their seales, and to haue another writ dyrected to the Iustices of the comon banke, that they receyue the sayd recognisaunce of them, as it appereth by the Register.

A writ de Contributione facienda.

A wryte de Cōtributio:

Rex. &c. Margarete B. vel balliuis Margarete B. de A. salutem cum de cōi consilio regni nostri

ni nostri prouisū sit: quod si hereditas aliqua, ne faciēda de qua vnica tm̄ fiet secta pro hereditate illa is suche. sicut prius consuet fuit ad hoc fiat debita cō: tributio ad eiusdē ac W.M. de N. custodi sco: larium de N. et alius q̄ plur vendidet terras t tenementa sua N. de quib⁹ vnica secta tm̄ ad curiam predictam de N. debetur: sicut idē custos nobis mostrauit, vobis precipimus: q̄ non distringer custodē nisi pro portione sibi t prefat scolar contingent de terris t tenemen tis predictis ad superalem sectā faciendā ad curiam predictam vel ad curiam predict dñi nostri de N. contra formam prouisionis pre: diti. Teste. tc.

A writ de Assisa Noue dis: seisyne.

REx vic̄ salutē. Questus est nobis A. quod B. A wryte de iniuste t sine iudicio diss eum de libero te: Assisa noue nemento suo in N. post primā transfr dñi H. re disseisine gis filii regis Johis in Vasconi. Et ideo tibi p̄: is suche. cipimus quod si predictus A. fecit te lēcur de clam̄ suo prec̄ tūc fac̄ tenement illud reseis: de catall: que in ipso capt fuerunt et ipsū tm̄ cū catall esse in pace q̄ ad primā assisā cū Justic̄ nostris in ptes illas veniunt. Et interim fa. xii liberos et legales hoēs de visn̄ illo vi: dec̄ teñ illō sum̄ quod sint coram p̄fatis iusti: ci. nostris ad prefatā Assisā parati inde face: re recogn̄. Et pone p vad̄ et saluos pleg. pre: dictum B. vel ballium suū. si B. ipse inuentus non fuerit: quod tunc sit ibi ad illā recogn̄. Et habeas ibi sum̄ noia pleg. hoc breue. teste. tc.

☞ The patent of the same wryt.

REc. tc. dilectis et fidel suis A. B. t. C. salu: tem. Sciatis q̄ constituimus vos Justic̄ no stros vna cum his quos vobis assoc̄ ad assi: sam N. dis̄ capiend̄ quam A. arrā coram vo

bis per breue nostrum versus B. de tenemẽ-
to in J. Et ideo vobis mandamus: quod ad cer
tos diem et locum quos ad hec puideritis assi
sam illam capiatis facturi inde q̃ ad Justic̃ p-
tinet sc̃m legem et cons̃ regni nr̃i saluis no-
bis amerciamentis inde puenientibus. Wand̃
enim vic. nr̃o S. q̃ ad certos die̅ et locũ quos
ei Scire facias assisam illã coram vobis ue-
nire faciat. In cuius rei testimoniũ has lr̃as
nr̃as fieri facimus patentes, Teste. ꝛc.

THys wrytte lyeth where a man is
disseysed of his freehold, ſ. of lãdes
tenemẽt, rẽtes, comon of pasture
or such lyke that he holdeth for terme of
lyfe, Fee tayle or Fe symple, or where he
hath land or tenement ꝑ is delyuered to
him by vertue of a recognysaunce of the
statute marchant, or by the statute of the
Staple, or by Elegit, as it appereth by ꝑ
statut of marchauntes, or by the statute
of ꝑ Staple. An. 27. E. 3. Ca. 9. And by ꝑ
statute of West. 2. Ca. 18. thã the disseisie
shal haue the sayd writ against ꝑ dissey-
sour, or against whosoeuer is in possessi-
on (liuing ꝑ disseisour) and it is necessa-
ry ꝑ the disseysour be named in the wryt
or otherwise the wrytte shall abate, and
that is giue by ꝑ same statute of West̃
second. And note yet that if the Gardein
or the chyefe lorde make a feoffement to
any man, of the land that is of the hery-
tage of him that he hath in warde to the
disen-

diſenheryteunce of the warde, the warde may mayntenaunt haue the ſayd wryt, and whan the lande is recouered, it ſhal be delyuered by the Juſtyces to the next freade of the Jnfant, to whom the herytage maye nat dyſcende, and to anſwere the heyre of that pryſoner of the lande whan he commeth to hys full age, as it appereth by the ſtatute of Weſtm. 1. Ca. 47. which begineth. Si garden. &c. And loke the ſtatute of Weſt. 1. Ca. 36. which begineth. Purueu eſt enſemēt et accorde. &c. howe a man ſhalbe punyſhed for diſſeyſon wyth robery. Alſo if the Eſcheytour, ſhirife, or baylyfe of the kinge dyſſeyſe anye man by coloure of hys offyce wythout ſpecial warrant or commaundement of the kyng: the diſſeyſy may recouer by the ſayd wryt, & recouer double damages: as it appereth by the ſtatut of Weſtm. 1. Capi. 24. whyche begynneth. Purueu eſt enſement que nul eſchetour. &c. And in what caſes that this wryt lieth, loke the ſtatute of Weſt. 2. Cap. 25. whyche begynneth. Quia non eſt aliud breue. &c. And howe and in what tyme this wryt ſhalbe take, & loke the ſtatut of Weſt. 2. Cap. 30. whyche begynneth: Aſſignement de cetero duo Juſtic. &c. And in Magna Carta. Cap. 12. which begineth. Recognitionis de Nouel diſſeyſon.

And loke the newe statute of Ed.3, An.2. Ca,2.&.6. And in ỹ statut of fines.Ca.4. Whych begynneth. Item cũ statuimus &c. And in the statute of Yorke. Capitu.3. whych begynneth. Quod cõe sil lout cõtũs.&c. And the proces in thys writte is

proces.] Attachement against the party, Somõs Habeas corpora & distres against the Iurours vnto they come. And note yet that freeholde is called, where a man holdeth land or tenement in fee simple, fee taile. or for terme of lyfe at the least.

Addicion.

xv.xxvi. ¶ In assyse the writ was done y bad
v.vi. & ualuos pleg. predict J, bel ballium suũ, ỹ sit sibi audituꝝ. &c. where it shulde be, ỹ tunc sit ibi, & the court was in opinio to abate the writ, wherfore the playntif was nonsuyt.

A.xliiii. ¶ Assyse was brought by the husband &
Li.as. the wife, the ptes were at yssue, but nat of the poynt of the assyse and was found for the playntifes how the wife was dissesed afore the maryage, & that the husband had nothyng, so the writ was false disseisiuit eos, and nat withstandyg the playntyfe recouered.

A.xxiiii &.iii ¶ If there be.iiii. ioyntenãtes. &.ii. dysLi.ass. sesyse the other.ii. al foure brought assise
plito.ix. against.ii. of thẽ that were dysseysours, and the writte was dissesiuit eos: so the

writ

wryt supposeth that the two disseisours dissey sed thē selfe, & notwythstandyng ỹ wryt was awarded good. And yf .ii. ioynt tenauntes are dissey sed by a straunger, & after the one come to ỹ tenancye by purchase, yf the other wyll recouer, it behoueth that both be named, for that, that ỹ wordes of the wryt may be true cy dissei siuit cos. But whā one ioyntenaunt putteth out the other, thys worde dissei siuit cos is false, for the one may nat dyssey se him selfe, therfore he shal haue a wryt in hys owne name.

¶ In assyse, the tenant sayd ỹ the pleyntyfe is hys byllayn. Judgement. &c. the pleyntife sayd that he was fre, &c. and it was founde that he was fre, but that he was neuer seysed of suche estate that he myght be dyssey sed, the pleyntyfe sayde: we are at yssue out of the poynt of assyse that is founde for vs, therfore they nede nat to enquyre but of the damages, and after it was awarded that he shuld take nothyng by his wryt. An. xxxi. E.iii. Lib. ass.

☞ And note yet that assise may be taken in .iiii. maners. s. at large, in the point of assyse, out of the poynt of assyse, & ryght of damages. Assyse at large is whā an infant bringeth assyse & the dede of his auncestour is pleaded, than the assyse shalbe taken to enquyre at large, that is to say, Note.

if his auncestour was of ful age, of good memory, & out of prison whan he made ꝑ dede. Assise in poynt of assyse is, whā the tenaunt pleadeth no wronge nor no dysseysō. Assise out of poynt of assise is whā the tenaunt pleadeth a forreyne release, or forreyne matt triable in another cōtye, than the Iudges shal put the record in the comon place to trye this forreyne plee & whan that is tryed, they shal send agayne the assise, And in right of damages is whan the tenant confesseth a put tyng out & demurreth in law the whych matter is iudged against hym, nowe the assise shalbe take in right of ꝑ damages.

F.N.B. 118. E. ii. ☞ Note yeyꝑ the Gardeyne of an Infant take a feoffemēt of ꝑ Infant being in hys ward, the Infant shal haue assise & the Gardein shalbe iuged a disseysour and cōmytted to prison yt it be founde.

Nota. ☞ If my tenāt be attainted of felony, & the kyng graunt the yere & the daye to a straunger, yf the straūger be disseysed, I shall haue assyse, by all the court. And note ye, that seison of feaite is no seison of ꝑ rent wherby he may of ꝑ haue assise.

H.xliii.E.iii ¶ If the tenaunt pleade a ple in barre, & the pleintyfe make tytle and trauers the barre, though the tytle of the pleyntyfe be false, yet the tenaunt shal nat haue auauntage to take the assise vpon ꝑ tytle,

but

but he shalbe charged to mayntayne hys bar. Otherwise is wher yᵗ the pleyntif make to hym a title, and answere nat the bar.

☞ A man may be tenāt of ꝑ rēt by hys disseisyn, as if he seuie the rent of my tenauntes by coheretion of distres, but if ꝑ tenaunt pay to hym the rent of his good wyll, that shall nat be intended the rent ꝑ I ought to haue, but another rent, for by suche payment without other thynge doyng I shal haue no Assyse.

If rēt discēd to me after ꝑ death of my father, & afore the day of paymēt of ꝑ rent, ꝑ tenāt putteth me in seisō of ꝑ rent by anoꝛe, thys seyson is nat sufficient wherof I may haue assyse, but if he pay to me a peny as ꝓcel of my rēt nat wtstanding ꝑ it be afoꝛe ꝑ day of paimēt of this possessiō I shal haue assise, but yᵗ I recouer rēt & afoꝛe ꝑ day of paymēt, ꝑ shyꝛyf put me in possessiō of the rent by anoꝛe, of this possessyon I shal haue Assyse. p.xlix.E.ii.

☞ A wryt de Reddissesson.

REX vic. salutē. Mōstrauit nobis A. qđ cū ipe in cur nr coīā Justic. nris itiñ ꝛc. vᵗ coram dilectis ꝛ fidelibus nris R. et E. Justic. nris ad assisas in com L. capiend assign ꝑ bre nrm recuperauit ssin suā versus B. de x. acris terre cū ptiñ in J. per recogn assic No. dissesiñ ibi inter prefatis A. et B. capt prefat B. ipsum A. de eadē terr iniuste dissesiit. Et ideo tibi pꝛ qđ assūptis custodibus placit coꝛone nre. xii. tant militē ꝙ aliis libis ꝛ leg. hominib⁹ de com tuo tam de A wryte of Reddiss. in such.

tã de illis qui in prima turata fuer quã in propria psona tua accer ad prer terrã t p eorum socrũ diligent faciat inde inquisic. Et si ipsũ. A. per pdictũ B. de pdicta terra interim iniuste dissesitũ inueneris tũc ipsũ B. cap et in pson nra salua custod fac: ita quod a pson illa nullo mõ deliberer sñ mãdato nro ipãli et ipsum A. de prer terra relesſ. et dampna sua in duplum que accione illius reddidisſis sustinuit p sacrũ pdict. xii. tarari de terris et catallis pdicti B. in ball' tua sine delac fieri, et itũ A. hec fac iuxta formam statuti w. de huius reddidisſis prouiſ. Et Scire fac. prefat B. quod inquisitione illi faciend int sic si sibi videre expedire Teste. tc.

This writ lieth in case where a mã is disseysed: and he hath recouered by assyse, and is put in possessyon by the shyrife, and after that is disseysed by the same dysseysour, he shal haue this writ of Red dysseison agaynst him, and that is gyuen by the statute of Marton Ca. 3. Which begynneth. Si quis dill, tc And by the statute of Mark. Ca. 8. which begynneth. Illa autẽ qui p sterata dissei sin. tc. wher it is sayd, such parsons are nat repleuisable.

Addition.

A ix. b. iiii. If a man recouer in assyse against a womã sole, and after she put hym out, & take a husband, the writ of Reddisseysõ shal nat suppose that he hathe recouered against the husbande & the wyfe, but the writ of Reddisseison shal suppose þ Reddisseison

disseyson to be made be the wyfe, whan she was sole, and the husband shalbe named bycause of the maryage.

☞ Note ye: that vpon a recouer in assise of freshoze, a man shal nat haue a writ of Reddisseyson. W.xiiii.E.ii.

¶ But it is thought ꝑ a man shall haue a Reddisseison, & post disseison in London wher he recouereth by a writ of Ryght, and maketh hys protestacion in nature of allyse, foz ther is cozoners. W.xiiii.E.iij

☞ Note ye: that if J. recouer an acre of land in D. by assyse, to whyche there is a comon in S. belonging, if J. be disseysed of the comõ, J. shal haue a Reddisseison. W.viii. E.iii

☞ A writ de Post disseisine.

A writ de post diss. is such.

REx vic. salutẽ. Monstrauit nobis A. qõ cum ipse i cur nra coꝝ dilectis & fidelibus nris. T. et locus suis Justic. nris de bãco apud W. recupasset sãm suã versus E. de. r. acris terre cũ ptẽ in J. ꝑ considerationẽ eiu. dẽ cur idem B. prefatum A. de predicta terra post modum iniuste diss. Et ideo vt supra sed non dicatur tm̃ de illis. qui in prima curata fuer: ỹ de aliis vsq; inter in post modum iniuste. &c. vtꝫ: sẽper dicaꝝ post dissia in loco dissie. vtꝫ: Teste. &c.

THys writ lyeth as is ordeined by the statute of Marton vpon a recouere in assyse of Nouel disseison, & by the statute of West. 2. Ca. 26. which beginneth. In breuib⁹ de Redd. &c. that a mã ꝑ hath recouered by assise of Mozt

daunce

dauncestour, or by other Iure, or by default, or by Reddicion, or by any maner enquest. And if he be put out of the same tenemētes by the same plon agaynst whō he hath recouered, thā he shal haue a post disseisiō, & nat a Reddisseisiō. Also yf these tenauntes, by Elegit, statute Marchant statute of ỳ Staple be disseised, they shal haue a writ of Reddisseisiō, but in case ỳ a man me disseise and after I recouer by assyse, & am put in possessyon, & the same disseisour with another straūger put me out of the same land, in thys case I shal nat haue a writ of Reddisseisiō, for there is a tenaunt of peel, that was nat pty to the assyse, therefore I must haue a newe assyse. And in case that the dysseysour be disseised, & a writ was brought agaynst the second dysseysour, he shall aunswere of the damages, for hys own possessyon, but ỳ statute of Glok. Ca. 1. speaketh nat but in case where ỳ dysseysour hath sold. ☞ And note ye: whan a man areigneth assyse of Nouel disseison of a rēt charge, it is conuenient that al the tenants of the tenementes charged be named in ỳ assise and al the land charged put in view, nat wythstandyng that he was disseised but by one tenaunt, but otherwyse is of rent seruyce. And note ye: that all assyses of Nouel disseison, Mordauncestour that goeth

gocth into the countye, are retournable in the cõmen banke, & if the kynges bēch be in another cõsty than ỹ comon banke is, than al the assyses of Nouel disseyslõ shalbe akoze the Justices of the banke, & akoze the king shalbe put a certeyne daye as dicq ad diē Junii in. xb. &c. but in the Mozdauncestour comon day may a mā haue, as in other places, but in assyse of Nouel disseyson akoze the Justices, and akoze the kyng, a man may put a day out of the terme, as dicq in diem Jouis Post festū scte Lucie, & giue day of. iiii. dayes akoze the king, and that wyll the statute Articuli sup cartas. Ca. 15. And in assyse of Nouel disseyslõ a man ought nat bouthe no man if he be nat named in ỹ wryt oz be present in court whs he is bouched but in a wryt of Mozdauncestour a mā may bouche at large.

☞ Addicion,

¶ If a mā recouer lād by scire fac by default, if he be disseised by ỹ same mā after ward, he shal haue a Post disseisiō as wel as if it were in a Precipe quod reddat. T. xv. h. vii.

☞ If a mā recouer land in value & after is put out by the bouche the tenant shal haue a Post disseisiō, be patet per registrū. An. v. R. ii.

☞ A wryt de Nocumento.

Ex vic. salut Questus est nobis A. qō B. iniuste & sine iudicio prosternit vel tenuit qdām

A wryte de Nocumēto is such.

dā fossatū in N. ad Nocumētū tenēti sui in eadē villa, vt nō patet transtr̄ ꝛc. Et ideo tibi pc, qđ si p̄dictus A. fec. te securū. ꝛc. tunc fac. xii. liberos et legales hoies de vi͂ll̄ illo videre fossatum illud vel stagnum illud et teñ ꝛ noia eorum in breuia. Et sum̄ illos p̄ boñ .ꝛc. quod sint coꝝ Justic. nostris ad p̄m̄ aff. cū in ptes illas venerint parat̄ fac. recogn̄. et poñ p vad̄ et soluos plegios predictū B. vel ball' suū si ip̄ se inuentus non fuerit: quod tunc sit tibi aud̄ illam recogn̄. Et habeas ibi sum̄ nomina pleg. ꝛ hoc breue. Teste. ꝛc.

THis writ lyeth where a man leuyeth or maketh a house, and wal, or gutture in hys lande, or any suche lyke to the nusance of the freehold of hys neyghbour, than he to whom the nusāce hath bene made, shal haue the said writ. And also if he that made the nusance sell the land, wherof the nusande was made to a straūger thā ꝑ assise shalbe brought against both. ſ. against hym that made ꝑ nusance, & against him to whom the lend is sold, & that is gyuen by the statute of Westm. 2. Ca. 24. whych beginneth. In quibus casibus ꝛc. before whych statute assise of nusance dyd nat lye, but onely against hym that made the nusance. And the proctes is, as in assyse of Nouel disseyson. ☞ And note yet that ꝑ the nusance be made in one couñty & the tenement is in another county, than the writ shalbe brought in that couñty wher the nusance

was

was made. And also if the assise of nouel diſſ. be arreygned in one countye & of the same tenemētes another assise is arreigned in another county, a man can pleade nothynge but suffre both assyses to passe and if they say both that these tenementes are in one countye, than it is well, & yf they vary so that the one say, that the tenementes are in one cōūty, & the other say that they are in another cōūty, than he ought to cause al the assises to come afore the kynge, & that was iudged. An. 6. E. 3. betwixt Richard Clekforth, & Henry Fytz hugh. And nore ye: that in māny cases assyse of Nusaunce lyeth as it appereth by these two verses.

¶ Fōs. stagna, sepes & via diuers' curs' aquar' ¶ poscunt assisā marcatum feria bancum.

A wryte de paruo Nocumento is such.

¶ A wryt de Paruo nocumento.

REx vic' salut'. Questus est nobis A. q B. iniuste & sine iuditio leuauit quandā fabricā in N ad nocumentū liberi tenīti sui in eadē villa post pīm trāsfīt. tc. Et ideo tibi pīc' q loquelā suā audias et postea eī ide iuste deduc' fac Ne amplius tc. pro defectu iuste. Teste tc.

THys wryt lyeth, where a Mylle, or suche lyke is leuyed to the nusaūce of his neighbour, he to whō the nusaunce is made shal haue the sayd wryt, and it is bicountille, and pleadable in the county. And thys wryt may be remouable out of the countye into the co-

mon bank at the suyt of the pleyntif wt
out cause in the wryt, & at the suit of the
tenaut wyth cause as in the Bone de a-
neriis repleg. And hereof may be made a
wryt of Execution of iudgement if nede
be, but if he that made the nusance dye a
foze the assyse purchased, than he to whō
the nusance was made, oz hys heyze shal
haue a wryt of Mō permittat agaynst ꝑ
heyze of hym that made the nusāce. And
so a Mō punittat lyeth all tymes in place
of a wryt of Entre groūded vpon disseyz-
son, or abatemēt, after the death of hym
that made the nusance. And note ye: that
there be other wryttes that are called li-
tell wryttes of disseyzyn that are vicoū-
tiel, & pleadable in the countyé afoze the
shyrzyfe that are. De domo iniuste leuata
vel prostrata & cōsimilibz, vr patet p regi-
strū, & what maner of nusance are ple-
dable in ꝑ coūt it appereth by these vses
☞ Fab, fur, porta, domus, vir gur mole
murus, ouile.

¶ Et pons: tradātur hec vice comitib⁹.

☞ Addition,

v. xxi. E. iii. ☙ Two coperceners are seised of a me
dow & a mylle, & they haue a waye frō ꝑ
myl vnto the water of ꝑ same myll ouer
the medow, & they make ꝑticion so ꝑ the
myl is alloted to the one coperner & the
medowe to the other, & vpon the ꝑticion
it is

it is agreed, that he that hathe the mylle shal haue the way to ỹ myl ouer the medow if the other to whom the medow is allotted leue a dych in ỹ medow wherby he is put out of his way he shal haue assise, for he may nat haue ỹ pfit of ỹ myl wout ỹ way, wherfore thacorde is good without wrytyng, as rent reserued vpō a partition wythout wrytyng. &c.

☞ Note ye: that yf a man ought to repare a brydge, ouer which J haue a way belongynge to my maner of Dale, & he ỹ ought to repare the brydge, make no reparacīō, wherby J cā not haue my waye J shal haue an accion vpon my case, and nat assise for wher a mā ought to mak a thyg & makes it nat, J of his lathesse shal nat haue assyse, but wher a man maketh a thyng bymaynour, or leuyenge or estoppyng, in suche case J shal haue assyse. &c yf a man be holdē to scoure a diche, that the water may haue course, & he make it nat wherby my medow is surrouñded, J shal haue a writ of tresspas, but if he stop that, that is vnclensed J shal haue assise

T.xl. ỹ.Mi.

A wryte de Attincta iuratorum.

Rex vic̄ sal. Si A. fec̄ te. tē. tunc̄ sum̄. &c. xxiiii. legales homines de, visñ de N. q̄ sit corā Justic̄ nr̄is ap̄ w. tali die, vl̄ ad primā assisā tē. parati sacro recognoscere si iur̄ p̄ quas queda inquisic̄ nup̄ capt̄ fuit corā Justic̄ ap̄d. w. p̄ breue nostū &c. q̄ fuit inter A. perent et B. tenēt falsum fecerūt sacrm̄ sicut idē A. grauit

nobis cõquerẽ mõstrauit. Et interim diligẽt inquiras qui fuerũt iuratores, p quos inq̃sitio capta fuit. Et eos habeas coram pfatis Justic̃ ad pfatũ terminũ vel ad pfatã assisã. Et sum̃ p bonos sum̃ prefat B q̃ tũc sit ibi auditur̃ illam recogñ. Et habeas ibi sum̃ nõia predictorum hominum, et goc breue. Teste. rẽ.

THys wryt lyeth where an enquest ha th made a falce verdyte wherof thei be attainted by this wryt they shall haue such payne. ſ. they? medowes shalbe caryed, and they? houses pulled downe, and they? woddes distroyed, & al they? lands & goodes forfaited to ỹ kyng but if the wryt passe against him ỹ bringeth the wryt he shalbe imprysoned and greuously raũsomed at the kynges pleasure. And the Proces is against the ptye Somons, & resomons. And agaynste the pctye Jurours, Wenire facias, and a dystres. And against ỹ graũd Jurours. Somons, Habeas corpora, & distres. And in how many maners a man may haue attaynte, loke the stat of Westm. 1. Ca. 37. whych begynneth. Pur ceo q̃ ascũ gẽtez &c. that a man shal haue attaynte in plee of lande, or of a thing that toucheth free holde. And nowe by the newe statute of An. 1. E. 3. Ca. 6. is ordeyned the attainte shalbe granted i a wryt of trespas, aswel vpõ ỹ damages if they passe. rl. ſ. as vpon ỹ principal. And also the statut made

An. 34.

An. 1. E. 3 Cap. 7. that attaynt is aswel in plee personal as in plee real and to be graũted to poore men wythout fyne and the Chaũceler hath power to graũt this wryt wythout sewyng to the kyng. And that ỳ iustices let nat i no case of attaint delay to take ỳ attaynt for the damages nat payed. And by ỳ statute made at Westm. An. 1. E. 3. Cap. 7. in the end, a man shal haue a wryt of Attaynte in plee of Trespas moued afore Justices that are of record wout wryt, yf the damages iudged passe. xl. s. And after by ỳ statut made in the tyme of the same kyng. An. 28. Ca. 1. a wryt of attaynt shalbe graũted aswell vpon a byl of trespas, as vpon a wryt of Trespas, hauyng no regarde to ỳ quantyte of the damages. And also ỳ attaynt shalbe graũted to poore men ỳ wil swere ỳ they haue nothyng wherof they maye make fyne, sauyng they? coũtenaũce wout fyne, as to other by a reasonable fine And by the statute of An. 24. E. 3. Ca. 7. And also by the statute of A. 9. R. 2. ca. 3. is giuen ỳ he in the reuercion leuing his tenãt for terme of lyfe shal haue attaint

Addicion.

☞ Note ye? that a wryt of Entre was brought in Sussex, & the tenant pleaded the dede of the anncestour of the pleyntif made in London, whyche was denyed, W. xviii. E. ii

and found of the pleyntyfe in London, & vpon that the tenaunt brought attaynt in London to somon. xxiii. and to attache these. xii. and another writ to the shiryf of Sussex to attache the party, wher the land was, & the writ that was directed to the shirifes of London was challenged for that, þ it is nat conprysed in the writ that the party shalbe attached, & nat allowable for in a newe case a newe remedy shalbe prouyded.

xv. xxxi. b, vi. ¶ Attaynt was brought against I. S. as sonne & heyre vpon a false verdyt giuen betwyxt the pleintyf, & the father of the sayd I. S. in Precipe q redd, & the writ was chalenged, for that, that it is not pued by the writ that he is tenaunt, & for that, that euery attaint in him selfe is somons, the writ ought to haue be. Sum one suche, and nat allowed, for the writ shalbe brought agaynst the father wout any serimõs against hym, for that, þ the lawe intendeth that the tenaunty cõtynueth in hym, & thys action is fourmed vpõ the fyrst recorde, & by þ same reason it shalbe intended þ it discende to þ heyre, and that he is tenant, wherefore answer

p. xxii. E. iii. ☞ One þ was vouched brought ataint against those þ passed vpõ a dede denied, & the writ wil that one I. S. tenant vouched to warrant & the writ was abated, for

for that, that the writ supposeth nat þ the bouche hath a warrant of the tenãt by expresse wordes, yet it is supposed by these wordes, Vlitando pretendit that he hath a warrãt, but that, that it shuld be put in the writ by expresse wordes may nat be maymteyned by supposell.

☞ Note yet that one may haue attaint, a writ of Errour, & discept afore execucyon, for the myschefe that he wyll nat sue execution vnto such tyme þ the pertiture, or somoners & beuors be dede, and than to sue execucyon when he may not haue the accyons, and for this myschef he shal haue them afore execucyon. W.xvi.E.iii.

☞ If a writ be awarded to þ shirif by defaute to enquyre of wast, it is sayde þ the ptyes shal haue their challenge afore the shyryfe and also attaynt, if the Jure make a false verdit, q̃ non credo. Quere Am.x.y.iiii. Quere.

☞ Note ye: þ no man shal haue attaint in appele of maihem, nor in any other appele of felony, or of the death of a man.

☜ Note ye, þ if a man be indytemẽt of tresp as, & founde gylty by another enquest, he shal nat haue attaint, for that, þ xiiii. hath found hym gylty, & both the verdytes agree. Nota.

☜ In tresp as agaĩst .ii. þ one appereth and is found gylty by one enquest, & the other by another enquest, he þ was found P.xliiii.E.iii

gylty by the latter enquest shal haue attaynt notwythstãding that he is a straũger to that, for that, þ he is in dammage by that, for the fyrst enquest shal take the damages, & nat the seconde enquest, & of those damages he shal haue attaynt.

E.iiii.vi.vi ¶ Attaynt was brought, & he assygned þ false verdit to be in.ii. thynges, wher as it appereth to the courte that he hath no cause of accyon, for the one, & by the aduyse of all the Justices, it was holden, þ the party shalbe barred of that, & the remenaunt to stand in hys force.

W.ii.v.iiii. ¶ The Judgement in attaynt is whã it is foudde for the pleyntife, that the verdit is false, the Jugement reherseth the poyntes, &c. we awarde that the pleyntyfe shall haue agayne hys lande & those damages that he lost in the assyse, and þ profyttes had in the meane tyme and that the tenant shalbe taken, & the petit iure shal lose fre lawe, & theyr goodes forfayted, & theyr tenemẽtes dystroyed, and all theyr lands & tenementes seysed & theyr medowes ayred, & theyr wods dystroyed theyr wyues & infantes of theyr houses put out. & that they shalbe taken.

☞ A wryt de Certifik noue disseisine.

A wryte de certific. noue disseisin is suche.

REX vic̃ salutẽ. Quia sup quibusdam articul noue disseisine cõtingentibusque inter A et J sum fuit et capt apõ J. p breue nostrũ coram vobis et fidelib⁹ nostris p. et R. de tento I J quidam

quidã ſubſit dubitationes ſicut exquerela ipſius J. acepim', ꝓſtituimus ꝑfatos h. et R. iuſtic. noſtros vna cũ his, quos, ſibi aſſoc. ad certificationẽ ſuper articulis ꝑdictis capiend Et ideo tibi præc. q ad certos diẽ et locũ quos eidem h. et R. tibi Scire fac. iuratores illius aſſie coꝝã eis venire fac. ad certificãd. ſup articul' ꝑdictis. Et ſum̃ p bonos ſum̃ ꝑdict A q tũc ſit ibi audituꝝ illã certific. Et habeas ibi ſum̃ nom̃a iurat et hoc breue. ꝛc.

THys writte lyeth where aſſyſe is brought againſt a man, and he anſwered by baylye, & the bayly commeth into the courte et culpynge the abſcence of his mayſter, & pleade in abatement of the writ or ſayeth no wrong, ne dyſſeiſyn, for he maye nat pleade any releſſe, or writtyng in barre of accyon, thã if the tenant loſe in his abſence by aſſiſe yf he hath any releſſe or other writtynge that wyll make for hym he may come afore the ſame Juſtyces, afore whom the aſſyſe was taken & ſhewe his right by releſſe, or other writyng, & yf the iuſtices may ſe þ the pleintyfe in þ aſſyſe myght haue ben excluded of aſſiſe, if the ſaid releſſie, or writyng had bene ſhewed afore the iudgemẽt in the aſſyſe giuen, thã the ſame Juſtices ſhal ſend a Scir fac to the ſhyrif of the coũty where the aſſyſe was arreygned, that he warne the party that fyrſt recouered to be afore them at a certeyn day. And alſo that he ſhal cauſe the

firſt Jurours to come ꝑ was firſt ſworn in aſſyſe, & thā yf it may be found by verdyt of the Jurours or by Inrolment, ꝑ the layd wrytings are true, that he that purchaſed the ſaid aſſyſe ſhall yelde double damages, as it appereth by the ſtatut of Weſt, 2, Cap. 25. whyche begynneth. Quia non eſt aliud bre. ꝛc. And in caſe ꝑ the Juſtices or any of them afore whom the ſayd aſſyſe was fyrſt taken dye or be remoued, than the pty yf he haue any releſſe, as afore is ſayd may haue the ſayd certyfycacion, whych ſhalbe patent dyrected to the newe Juſtyces reherſynge al doutes touchynge the aſſyſe that was take afore ꝑ fyrſt Juſtices cōmaundyng them that they take the ſaid certificacio at a certeyne day & place, and ouer that a Prcipe dyrected to the ſhyryf of ꝑ ſame coūty, that he ſomon the ſame pty e that fyrſt recouered. And alſo that he cauſe ꝑ fyrſt Jurours of the aſſyſe to come afore the ſayd newe Juſtices at a certeyne day & place, to certyfy the ſayd Juſtices of ꝑ ſayd doute s as it appereth by ꝑ regyſter And alſo thys certificacion may be take in the kynges benche, or in the common place, & thā no patent ſhalbe made as is in aſſyſe of Nouel diſſ. by which certifycacion, alwel in the one caſe as in the other, the Judgemente ſhalbe reuerſed, &

in

in case that the party be warned, & come nat at the day assygned, he shall lose the lande by defaute. And yf he come at the Scire facias, the plee shal passe betwyxt them, & yf he that recouered by assyse cā nothyng say against the releese, then the tenaunt that lost by the assyse shal recouer, And the Proces is agaynste the Jurours a Venire facias, habeas corpora & dystres infinite, but this writ lyeth, but where it may be found by record, & by ỹ rolles, thā thenquest that passed in assyse speake nothyng, nor make mēcion of the releese, or other wyttynge in theyr verdyte, but yf thenquest make mēciō of the releese, or of theyr wyttyng, & they gyue false verdit not withstādyng the releese than the party agaynst whō they passed may haue attaynt against ỹ iurours. And yf the Justyces gyue false Judgemente wher these Jurours made mēciō of the releese, & putteth theyr verdit vpō the iugement of the Justices, and that may be found, than the sayd partye may haue a wryt of Errour, & the iudgement shalbe reuersed. And yf it be founde that the releese is good, the party shal recouer, & if nat the other shal hold in peace, & that is gyuen by the statute of Westm. 2. Cap. 25 whych begynneth. Quia non est aliquod breue. &c. And in case that the assyse passe

in ab-

in absence of the party, & after the party cõmeth, & shewe to the Justyces any release as is afore saide, & the Justices delai to do after the sayd statute, thã the partie may haue a writ directed to ỳ same Justyces, in whych writ ỳ sayd statute shal be rehersed, cõmaundyng thẽ that vpon the syght of ỳ sayd writ that they make full Justyce to the forsaydepartye, as it appereth by the Register. And this writ in this case shalbe in place of a certificacõ. And note ye: that by the same statute yf the party defendant in assise of Nouel disseyson alledge in delaye of the partye pleyntif, that assyse another tyme passed betwixt the same ptyes of the same lãds or that the sayd party pleyntyf was non suit in a writ of hygher nature hanging betwixt them of the same tenement, or ỳ the sayd pleyntyf was non suit in suche lyke writ, & prosereth to berykye that of record: in thys case yf the same pty fayle at his day of the record, he shalbe iudged as disseysour, wout tryal of ỳ assyse, & ỳ assyse take in the right of ỳ damages, &c.

Addition.

A.xii. v.iiii. ¶ If a recouere be in assyse, & after the tenant in the assise sue a certificacion vpon a dede, and a Scire facias against the partye that recouered to be at a certeyne day, &c. and a Venire facias in the same

wryt

wryt against the .xii. Iurours that was swore in the assise, & the shirife returned þ two of þ Iurours are dead, quere yf he shal haue a certification or nat: for that, þ the statute is, that it shalbe tryed by the fyrst Iurours, but nat by all the Iurours, and it was said that ther was a certificatiõ at the comõ lawe afore the iudgemẽt gyuen yf the matter be vpon a deede bearyng date in a foreyne county, it shalbe tryed by other, and nat by the fyrst Inrours. 12. H. 4. Quere.

☞ A wryt de Assysa mortis antecessoris.

A wryte de Assisa mortis anteessoris is such.

Rex vic. salutẽ. Si A. fecerit te &c. tunc sum tẽ. rũ. liberos & legales hoies de visñ de A. qd. sint eorã. &c. tali die. &c. pati sackto recognocere Si B. señ paterpdicti A. fuit sisꝰ in dominico suo: vt de feodo de vno mes cũ ptiñ in N. die quo obiit. Et si obiit post coronationẽ do ini h. fil regis Johis. &c. Et si idẽ A. ppiquior heres eius sit. Et iterim pdictũ mes videant & noia eor in breuiaf fac. Et sum ybenos sum pdictũ R. q̃ mes pdict tenet q tũc sit ibi auõ illam recogñ. Et habeas ibi sum & hoc breue. Teste. &c.

THys wryt lyeth where my father, Mother, Brother, syster, Vncle, or Aunt died seysed of landes or tenementes, or of rent, that they haue in fee symple, and a straunge abbate, than I þ am next heir shal haue this writ against the abbatour, or against whosoener that is in

is in possession, after the death of myne auncestour. And ꝑ ꝓcess is in thys writ as it is in ꝓ Juris utrū. And note yet: ꝑ yf an Infant be in warde of hys lord, & after he cometh at hys full age, the lorde wyll nat yelde to hyme hys lande without ꝓces, thā the Infant shal haue thys writ and that is gyuen by ꝑ statut of Marl. Cap, 16. whych beginneth. Si heres alicꝭ, &c. but yf he be of ful age after ꝑ deth of his auncestour, & is in hys herytage, & knowen for heyre, & the lorde entre vpō the heyre, & holde hym out than he shall haue the forelayd writ, & recouer damages, as in assyse of Nouel disseysin. And note yet that by ꝑ statute of Glouc. Ca. 6: it is ordeyned, that yf a man dye seysed of certeyne landes or tenemētes in Fee symple and hath many heyrs, wherof one is sonne, doughter, brother'sister, neuewe or nece. & the other be in more longe degree, yf a stranger abate, all those heyres togyther shal haue the forelayd writ but yf the heyre be not one of thē abouenamed, they are put to theyr writ of Ayle, or Cosynag as theyr case lyeth. And note yet that yf an Infant purchase a writ of Mordāncestour, he ought to find no suerty, & for ꝑ he shal nat say in thys writ Si talis fecerit secur. &c. And note yet: ꝑ ꝑ statute of Westm. 1. Ca. 22. whych begynneth.

Proces.

gyueth. Des heres maries. &c. that if any lorde with holde these heyres females vnto. xbi. were vnmaryed, because of couetulnes of ꝑ lande, than the heyre may recouer her herytage by ꝑ forclayd writ of Mordō. And note ye: that a man maye haue a certificacyon & associacyon to the sayd wrytte,

Addicion.

☞ Note ye: that a wrypt of Mordaunceſtour was of a comō fourme. In dominico suo dt de feodo die quo obiit: and ꝑ tenaunt sayd that his aūceſtour of whose death he bringeth thys wrypt went ouer the sea toward saynt James, the whych aunceſtour is nat yet come againe, therfore the wrypt shall saye. Die quo iter. &c. wherfore the wrypt was abated, & the demaundant wold haue auerred the death of hys aunceſtour, & could nat be receyued, for that, that another wrypt is gyue in the case. m. xvi. E. ii.

¶ The writ of Mordō was Suth. vi. &c de visū bill' de Dale. &c. parati. &c. si obiit seisitus de octo pedibus terre in longitudine, et vi. in latitudine, & duabus partibus vnius mesuag. & meditatē ptiū vnius mesuag. in villa de Dale. &c. interim mess. terras & tenemēta vidcant. And the writ was chalenged: for that it was, De octo pedibus. &c. for it oughte to be of a place m. xvi. E. iii.

place ꝑ conteyneth so muche, so the p̄incypal demaunde shalbe of the place, and nat of so many footes, and also the wrpt oughte to be, that these .xii. of the assyse oughte to be of the same beynew wher ꝑ demaūd is made, & now is the one of the beynewe of the towne of Dale, to somon the Jurours, & the second is in the town of Dale, & also in the demaund, the land is first in demaund, & after the mesuage, &c. and in the clause to make the beinew the mesuage is first named, but the exception was not allowed as to the first challenge, for a man shall not haue a wrpt to demaunde a place that is not certayne, & as to the second poynt the fourme of the wrpt is such and may not be intended diuers townes, & as to the thyrde poynt, ꝑ is hole in the demaunde shalbe fyrst named, and than the halfes, but whan the beynewe oughte to be made and the hole mesuage to be put in betw ꝑ fourm is to put the mesuage afore the lande & a wrpt of another fourm may be not haue, wherfore the wrpt was awarded good.

W.Vii. E.iii

In assyse of Mordancestour, yf the tenaunt pleade a feoffement of the auncestour of the demaunds sunt in barre, he ought to trauerse the dyenge seysed, but yf he pleade a recouere, or a fyne leuyed by the auncestour, he ought nat trauers

the

the dyenge seysed, for that, that the demaundaunt is stopped to say against the record that he died seised without shewyng how, after the recouere.

¶ In assyse of Mortō, the tenant pleaded a recouere in assyse had agaynste the pleyntyf selfe, and for that, that this disproues the estate that the pleyntyf hath after the death of his auncestour the opinyō of the court was that it is no barre. m.xxvii. E.iii.

A. was indited of felony, & one D. as accessarye, & vpon the cape the shyryf returned that A. non potest inuenire, and that the said D. was taken, & he pleaded not gylty, and he was found gylty, and hanged, & the lorde by Escheyt entred, & after the said A. was taken, & brought to the barre, & after was founde not gylty, & the heyre of the sayd D. brought assyse of Mortdauncestour agaynst the lorde by Escheyt, & shewed al this matter, & after was awarded that the said heyre shulde recouer seyson of the land: for that, that yf the said D. were on liue, that he shuld be acquited by the acquytall of the sayd A. and that he can be no accessarie of felonye whan there is none. m.xxviii E.i

A writte de auo is such

Rex vic. salutē. prec. A. q iuste. re. rēddat B vnū ines ua. cū ptiñ in N. et aduocationē ecclesie eiusdē vill' de quib' C. auus p̄dicti B cuius heres ipse est fuit seitus in dominico suo,

vt de feodo die quo obiit, vt dic. Et nisi fecer et p̄dictus B. fec.te secur. ꝛc. tūc sum. ꝛc. Et habeas. ꝛc. Teste: ꝛc.

THys wryt lyeth where my graūd father dyed seised of land, tenemēt or of rēt in fee symple & a straūger doth abate, that I shal haue against him this wryt, or against his heyre, or hys a-lyene, or against whosoeuer that cometh to the sayd landes & tenementes in what maner socuer he is in. And in ỹ same maner lieth a wryte of Cosinage, that is to say where my graundfathers father, or my great graundfathers father, or other Cosyne, and so to the. iv. degre that dyed seysed in fee symple, & a straunger entre, I shal haue a wryt of Cosynage, and not a wryt of Ayle: for that, that it passeth ỹ wryt of Aile. And note ye: that a wryt of Cosynage lyeth in the discēt lynial. And it is to knowe that the lynyal discent is frō the father to the sonne, but if ỹ lande dyscend frō the sonne in the bucles sōne vpon abatement, he shall haue a wryt of Cosinage. And note ye: that Assise of no uel disseyson, Mordaūcestour, Ayle, Cosynage & Super obiit are onely wryttes of possession, & not myxt with the ryght, but Assyse of Nouell dysseyson is of hys owne possession. And the other are of the possessyon of the auncestour to whom he is next

is next heyre. And note ye: ꝑ a man shal recouer no damages in the sayd writtes but in those that damages are gyuen by statute, or by the comon law, & of damages, lone in ꝑ statute of Glouc. Ca. 1. And the ꝓces is in this writ, Somons, graūd Caꝑ, & petit Caꝑ. &c. ꝓces.

☞ Addicion,

A general writ of Aile was brought and it was challenged: for that, that his auncestour dyed nat in Englād, but toke his Journey towarde the holy land, and came not agayne, in whych case he shall haue a like writ as he shulde haue in assyse of Mortdauncestour, but that exception was not allowed, for it hath not ben sene in a writ of Ayle. W. xiii. E. iii

The writ of Ayle was Prē, &c. quod redd̄ vnam bouatam terre & vnam bouatam Marresci and the writ was abated for that, that the organge is alwayes of a thyng that lyeth iugaynour. W. xiii. E. iii

In a writ of Aile, a releale was pleded of the same graūdfather with a warrantye, & the opynyon of the court was that, & was no barre, except he say vꝑout that, ꝑ he dyed seysed, & so it was pleded H. xiii. H. liii.

☞ A writ de Nuper obiit.

Rex vic. salutē. Si A. fec. te. tc. tūc sum̄. tc. B. q̄ sit coram Justic. nr̄is. tc. tali die ostensiqua re defore ꝑfat A. rationabile ptē suā que ei A writte de Nuper obiit is such.

cōtingit de hereditatē, q̄ fuit J. de N. patris sui fratris, sororis, aui, aui, ānūculi, amite cōsanguinie predictorum A. et B. cuius heredes ipsi sunt. Et que nup obiit vt dic. Et habeas. ꝛc Teste. ꝛc.

THys writ lieth where a man hath many heyres that shal equally enherit, as many doughters or sōnes (yf it be in Kent) and dyed seysed of certayne landes or tenemētes holden in fee simple, yf any of these coheyres enter into the lande & holde these other out, than these that are holden oute shall haue the said writ against the coheyre that is in. And the Proces is, as in a writ of Ayle. And note yet that a writ of Nuper obiit and a writ of Ryght de Rōnabile parte lyeth alwayes betwene pyrnces of blode but a writ of Mortdaūcestour, Cosinage and a writ of Ayle lyeth alwayes agaynst a straūger. ☞ Note yet yf anye be defoyced of theyr reasonable parte, it behoueth to be brought by al those, that are defoyced, & nat by one of them, for all be it, þ these other wyl not sue for theyr reasonable part, she shal bring this writ and all theyr names that are defoyced, & this writ shalbe retournable, and yf they wil not sue, he that wil, shal haue a writ called Sūmonias ad sequendū simul, and yf they come not at this wyt, the other that wyll sue shalbe receyued to sue, & to

Proces.

plead

plead agaynst hys person ꝑ is defensour in right of his part, & shal haue iudgemt and execution for her porcyon. Note ye: that this writ shalbe brought by coheire agaynst coheyre, & not otherwyse for yt any other auncestour entre: & clayme by the same discēt that I clayme by, I shal not recouer against him by ꝑ sayd writ, nor other writ, but entre vpon him. And if he put me out, I shal haue assyse of Nouel dessyson, or a writ of Ryght, for assyse of Mortdauncestour I may not haue agaynst my Colyn that claimeth by the same discent that I claime by, for a writ of Mortdauncestour lieth neuer betwixt prynces of blode. And the writ of Ryght that is brought agaynst the Cosine that claimeth vt supra, shal not be determined as other writs of Ryght, that is to say, by battayle or by graūd Assyse, but by enquest that is in the place of the graunde assyse: for that, that ꝑ ryght is not to be tryed, but onely the priuyte of blod, ꝑ is to say which of thē are more nere of blod to the auncestour that was last seysed afore that they ar passed the thyrd degree wher they ought clayme by one discent but battayll lyeth not betwyxt systers, where one is feoffed by Chartour, and ꝑ other by discēt, as it appereth in Magna Carta de assisa eligenda. Note ye: yt any

ſtraunger abate after the death of any co mon auncestour al theſe coheyres togy= ther ſhal haue theyr recouery agaynſt ỹ ſtraunger as one ſole heyre ſhal haue by a writ of Moztdauncestour.

Addicion.

w.xv.h.iii. ¶In a Nuper obiit after that, that the tenaunt hath defended the wordes of the court, and the ryght of the demaundant, as a free mā, he alledged that he was bil lein, wherby the writ abated. And note ye whā a writ is abated by exception of villenage, the writ lyeth not agaynſt ỹ lord of the villeyn, yf the villeyn be not named, where the lorde is not ſeyſed by entre, for the lord ſhal not be tenaunt a= gaynſt hys wyl.

☞A writ de Decies tantum.

A writte de Decies tan tū is ſuch.

Rex vic. ſalutem. Si A. fec. te ſecur. ꝛc. tunc poñ. ꝛc. C. D. et. E. ꝛc. qō ſint. ꝛc. tali die ad reſpōd tam vobis q̄ prefat A. quare cum in parliamēto domini E. nup Regis Anglie pge= nitoris noſtri apd weſtm. An. regni ſui. xxxviii. tenē inter terra cōcordat exiſtata: quod ſi ali= quis iurator in aſſ. iuratis de aliis inquiſicio nibus capiendū int nos et partē vel parte et partē quicq̄ capiat p ipſos vel p alios apte cō querente vel defēdēte pro veredicto ſuo dicē= do ⁊ ſuper hoc per proceſſū in quodā articulo de iuratoribus. Anno regni ſui. xxxiiii. fact or= dinat, conuineat ſine ſit ad ſectā ptis: que p ſe ipſo aui pro nobis, aut alterius cuiuicunq̄ p ſone p̄ſequi voluerit ſalus ſimilli iure illorum deces tm, quantum ipſe recipit et habeat ille qui fac. ſectā ſuā medietatē et nos aliam. &

quod omnes imbraciatoris ducendi vel procurandi talis inquiē in patria pro lucro vel pro ficuo capiend. puniant eodē modo iiforma sicut iurat. Et iurator vel imbraciator ita cōuictus, non habet vñ in forma supredicta satisfaciat habeat psona vnius anni, prout in ordinaē predicta plenius continetur predicti C. W et E. in quadam assisa no. dess. ỹ idē A. nuper areñ coram dilectis et fidelibus nostris R. S. Justiē nostris ad ass. in coñ S. capiend assign̄ p bre nostrum versus ỹ. et alios in dicto brevi content de teñ in T. ponit p veredicto suo in hac parte dicend ac predicti C. W. et E. imbraciatores eiusdem ass. ad eam ducend, et p curand de prefato A. diuersus pecuniar̄ summas. Et illa dona apud R. cepe in nōstrū contemtū t ipsius A. ad graue dampnū. Et cōtra formā ordinationis predicte. Et habeas ibi nomina pleg. et hoc breue. Teste. ꝛc.

THys writ lyeth where Jurours hath taken gold or syluer of ỹ one pty or of ỹ other to say theyr verdit, than by this writ they shal pay. x. times as much as they dyd receyue, and ỹ partye that lueth shal haue the halfe, & ỹ kynge the other halfe. And those Enbraceours that procureth such enquestes and taketh mony, they shalbe punisshed in ỹ same maner, or if these Jurours or Embraceours hathe not wherof they may make gree, they shal haue imprisonement of a yere, but no Justyces by hys office shal enquere vpon the sayd poyntes, but onely at the suyt of the party, & thys re-

couerie is gyuen by the statute de An. 34. E. 3. Cap. 8. And the proces is Attachement and dystresse.

Proces.

Addicion.

xv. xxiv. b. vi. ¶ In this accyon populer, ỹ defendant pleded a recouere in another accyon populer, that was prought agaynst hym by a straunger, and acquytaũce mad to hym by the straũger, ỹ plentyfe may auerre ỹ acquytaunce to be made by collusyon.

Quere what yere. ☞ In a Decies tantũ, iudgment of the wryt was demaunded: for that, that the wryt was, in loquela q̃ fuit ĩter J. P. demaundant et J. L. dẽfor̃ per breue nr̃ũ de iuditio de vna mesua. where he ought to shewe by what wryt of iudgment: for that, that ther is dyuers wryttes of iudgement, as a Scire fac to execute a fyne, or a iudgement. for yf the defendãt wyll say, that there is no such recouerie, this yssue is nat certayne, for the recouere is nat alleged certeyn, nat withstandinge the wryt was awarded good, for that, ỹ he hath put the certente of the lande in ỹ wryt. And in suche a wryt it is sufficiẽt to say, In quadã loquela transgressionis vel debiti, without more, and yet ỹ Tres pas is nat certeyne.

b. vii. xv. li ☞ Note ye: that in a Decies tãtũ and other accyons grounded vpõ the statut ỹ gyueth to the partye that wyll sue ỹ one halfe,

halfe, & the kynge the other, yf the partye begynne hys fuytte, that ꝑ was populer is made his ꝓper fuyt, & the kyng: nor none other ꝑſon may nat releaſe nor diſpẽce, as to hys Intreſt, & the acquytall or condẽpnacyon of the partye is abarre and a diſcharge agaynſt al other people, but before the accyon begone, the kynge may releaſe or pardon, and that ſhalbe a barre agaynſt all people, & ꝑ was graunted by all the court.

¶ In a Decies tm̃ agaynſt the Embracetours, the plentyfe ought to ſhewe howe they embraced, and wher chembracemẽt was made, & howe he toke money, & how he ſayd to the Jurye, & Dãby ſayd, thõgh that they take money, and make no Embracerie the accion lyeth nat agaynſt thẽ but otherwyſe is of a Jurie, if they take money to ſay they⁹ verdit, yf ꝑ party be nõfuyt ꝑ accyon lyeth very wel agaynſt thẽ: for that, ꝑ whẽ they are ſworne they are Judges. T.xxxvii. ꝑ.vi.

☞ And note ye: yf ꝑ iurours gyue a true verdyt notwſtandyng, that yf they take mony to ſay they⁹ verdit, they ſhalbe punyſhed by this wryt. W.xxi. ꝑ.vi

¶ A wryt of Decies tantũ was brought agaynſt certeyne perſons for takynge of money in aſſyſe brought (by the plentyfe in this wryt) and his wyfe, and exceptiõ T.xl. E.iii.

was take for that, that ỹ wyfe was not named with her husband in this wryt & that exceptyõ was not allowed for this wryt is not gyuen by reason of ỹ tenaũtye, as attaynt or Chãparty is, but it is to punyshe the Jurye for the takynge of the money.

T.xiiii.E.iii

¶ In a Decies tm̃ the vdit was foũde agaynst the Jurours, in this accyon ỹ Jurours were awarded to pryson, & it was awarded that the kynge & the partie shal recouer. x. tymes to the valure, &c, as the statut wyll, &c. And that the kynge shall haue the one halfe & the partye the other halfe, & the Jurours shal pay that, that belongeth to the partye in the court, and it was sayd that the kynge is pryncypal for it is gyuen by the statute that he ỹ wyll sue for the kynge, the kyng hath gyuen hym auauntage to haue the halfe of that, that shalbe recouered, & it was answered that ỹ kyng taketh not his suyt as of det due, but by way of a fyne, and there where the kynge ought to take a fyne, ỹ ptye shalbe alwayes fyrst serued wherfore they payed the halfe to ỹ plein tyfe, & found suerty to the kyng. &c. And thã they were delyuered out of ỹ pryson.

☞ A wryt de Quare eiecit infra termiñ

A wryte de Quare eiecit infr a ter

Rex vic̃ salutẽ. Si A. fecerit. &c. tũc sum̃ B. & sit, &c, tali die ostens quere defor̃ prefat A de.x.

de.x.acris terr cū ptiñ in N.q C.ei demisit ad terminū q̄ nondū p̄teriit, infra quē terminū idē C.p̄fato B.terrā illā vēdidit occasione cuius venditiones idē B.p̄fat A.de terra p̄dicta eiecit: vt dic̄. Et habeas ibi sum̄, ꝛc, Teste, ꝛc,

minum is such.

THys writ lieth wher a mā letteth lādes or tenemētes to another for terme of yeares with whych terme the lessour enfeoffe another in fee, and ỹ feoffee put out the tenant of hys terme, than the tenaunt shal haue this writ against ỹ feoffee, And the Writes is Somons, Attachement, & distres, & the ꝓces of outlawry, but the tenant in thys case may haue a writ of Couenaunt against his lessour if he be sufficient, & haue wryting. And also bycause that thys terme is cōpared to mouable goodes and Chatels, thys writ was found by a discreat man called Willyam Warton, so that by thys writ, the tenant may recouer hys terme agaynst the feoffee.

ꝓces.

Addicion.

☞ Note yet that in thys writ the lessee shall recouer hys terme and damages agaynst the feoffe of hys lessour. ỹ.xix. ỹ.vi.

¶ In thys writ agaynst R. the pleyntif declared that R. hym defoyced of an acre of land the whyche one A. let to hym for terme of yeres with whych terme suche a day, ꝛc. A. sold the land to thys R, wherfore R. him put out, the defendāt sayd, ỹ he ỹ.iii. f.i. ỹ.xviii. f.ii

he hath nothyng of ꝑ ſale of A. & he was put frō that plee, for yf it be founde that A. had ſold it, yet the puttyng out is not found, wherfore he ſaid, that A. hath nothyng in demeane, reuercyō, nor in ſeruyce at the tyme that he ſold the lande to hys. ꝛc, & ꝑ was not alowed, for he ought to anſwer to ꝑ putting out, wherfore he ſaid ꝑ he did not put him out by the reaſon of ꝑ ſale of A. ꝛc. And note in ꝑ ſame plee yf he in the reuercyon releaſe to the diſſeiſour, this wryt of Quare eiecit ītra terminum lyeth agaynſt the diſſeyſour.

☞ And note ꝑ a man ſhal nat haue this wryt except ꝑ he haue poſſeſſion in dede.

☞ A wryt de Electione firme.

A wryte de Electiōe firme is ſuch.

REx vic. ſalutē. Si. A. fec. ꝛc. tūc pone. ꝛc. B. quod ſit. ꝛc. talt die, oſtenſ quare vi et armis in manerium de J. quod C. prefato A. demiſit ad terminū .x. annorū qui nondū ꝑteriit, intrauit, et boñ et catalla eiuſdē A. ad valenc. x.li. in eodē manerio inuenī cepit, et aſport. Et ipſū A. a firma ſua predicta eiecit et alia enormia et intulit ad graue dāpnū ipſius A. et contra pacem noſtrā. Et habeas ibi nomina pleg. et hoc breue. Teſte. ꝛc.

THys wryt lieth in caſe where landes or tenementes are let to a mā for terme of yeres within whyche terme a ſtraunger of hys owne wronge put out the ſayd tenant, thē the ſayd fermour ſhal haue the ſayd wryt agaynſt ꝑ ſtraūger.

straunger. And the proces is as in a writ of Trespas, for in this writ shalbe supposed that the tenant was put out with force and armes. Addicion. proces.

☞ Note ye: that this writ of Electione firme is but in the nature of an accion of trespas, & the pleyntyfe shal not recouer hys terme that is to come but damages, but he shal recouer hys terme by a writ of Couenaunt agaynst hys lessour. 9.vi. R.ii.

☞ Note ye: that executours brought a writ of Electione firme & declared that theyr testatour was put out, and ꝑ writ was good. Quere. T.vii.9.iiii.

☞ A writ de Ingressu ad terminum qui preterit.

REx vic̃ salut̃ prec̃ A.q̃ iuste. &c. redd̃ B.vn̄ mesuag. c̃ ptin̄ in N.q̃ idē A. dimisit ad terminū qui ꝑterut vt dic̃. Et nisi. &c. et ꝑdictus B fec̃ te secur̄. &c. tūc sum̄. &c. prefatū A.q̃ sit coram. &c. tali die ostensur̄ quare non fecerit. Et habeas ibi sum̄, et hoc breue: teste. &c. A writ de ingressu ad terminum qui preteris it is such.

THys writ lyeth wher lands or tenemētes are let to a mā for terme of yeres, & the tenaunt holde ouer his terme, than the lessour shal haue this writ, but in place of this writte he may haue assyse of Nouel dysseyson if it be in the fyrst degre (that is to say) if ꝑ lessour entre after ꝑ terme ended, & the lessee entre agayne & put him out, than lyeth the assyse. And also it lieth in case where lan

des or

des or tenementes are let for terme of a straūgers lyfe, and the straunger dyed, & the lessee holdeth ouer his termñ, than the lessour shal haue the said writ or he may entre as afore is sayd. And in case that ꝑ tenant for terme of lyfe sel the lande and dyed, than he in the reuercyon shal haue the said writ. And in case that the tenāt for terme of lyfe be Impleaded, and the lande be recouered agaynst hym, & dyed, than he in the reuercyon shall haue the sayd writ in the post. And note ye: yf the reuercyon of a tenaunt for terme of lyfe be graunted to a man and the tenant for terme of lyfe make feoffement, & dyeth. It is sayd that he to whō the reuercyon is graūted, nor hys heyr may not haue ꝑ sayd writ: for that, ꝑ he is a purchasour of the reuercyon, & not lessour nor heyre to the lessour. And note ye: that this writ lyeth not for hym in the reuercyon after the death of the tenant in dower, or by ꝑ courtesy, for they ar not tenātes for life by lease, but by the lawe. But yf tenant for yeres, or the Warden by knights seruyces sel, than the lessour or the Infant shal haue all yse of Nouell disseyson, and not thys writ, as it appereth by ꝑ statut of Westm. 2. Cap. 25. whych begynneth Quid non est aliud breue, &c. And the proces is in thys writ, & all other writs of

Entre

Entre grauñde Cape, et ꝑ petit Cape. And note ye: that this wrytt of Entre may be made in the per Cui, et post as a wrytt of Entre or dissesyon. And note ye: that in euery wrytt of Entre in the post, the wrytt shal say. Quod vnde querit. ꝛc. ꝑ in no other wrytt within the degres. And also in euery wrytt of Entre where a man demaundeth of the possessyon of hys auncestour, he ought demaũde by tytle: quod clamat esse ius. ꝛc. but of his owne possessyon he shall make no tytle. Except it be wher the woman demaundeth her herytage: or maryage that was solde by her husbande, or her dower of her fyrste husbande solde by the second husband.

Addicion.

A man made a feoffement of hys land by Chartour, whych was deliuered into an indyfferent mans hand vpon such condicion that yf he paye, xx. li. to the feoffee at suche a daye, that he may entre in hys land, ꝑ that the Chartour to hym be rede lyuered, yf not. ꝛc. in this case if the feoffour pay the mony at the day assygned, ꝑ the feoffe holde the lande after the day, ꝑ obteyne the dede, the feoffour shall haue the said wrytt ꝑ after ꝑ mony to be paied. W. v, E. iii.

The husband ꝑ the wyfe let lands to one for terme of yeres, ꝑ husband dyeth and the lesse held after his terme, ꝑ dyed, A. viii. h. ii. Īt cauē.

after

after whose death ꝑ sonne of ꝑ lessee entreth, & the wyte bryngeth the sayd writ suppulyng ꝑ he hath no entre but by his father to wꝫ she let for terme of yeares that is past, the tenaunt sayeth that her husband & she made lease ioyntlye, & not she only. &c. and that she might not deny wherfore the wryt abated, and no other maner of wryt she may haue.

T.xx. E.iii. ☞ If an Abbot that is ylon in ylon let land for terme of yeres, ꝑ is of the ryght of hys church & dyed, & the lessee hold after his term̄, his successor shall not haue the sayd wryt though that al be annered to hys abate, & for that, ꝑ hys successour in suche a wryt ought claime his land in the ryght of hys churche that he holdeth as ylon, in whych case he hathe no other remedy by the statute but a Juris brū wherfore hys wryt abated.

☞ A wryt de Ingressu dum non fuit compos mentis.

A wryte de ingressu dū nō fuit compos mētis is such.

REX vic̄ salutē. pre. A. q̄ iuste & sine dilatione redd̄ B. vnū mes. cū ptin̄ in N. q̄ clamat esse ius & hereditatē sua: & q̄ idē A. nō habet ingressū ni'si ꝑ C. patrē ꝓdicti cuius heres ipe est qui illud ei dimisit, dū nō fuit compos mētis sue: vt dic̄. Et nisi fecerit. &c. Teste. &c.

THys wryt lieth wher a mā selleth lande or tenement, whan he is out of his minde, & dyed, thā his heyre after

after hys death shal haue this writ. And note ye: that it is said that the auncestour selfe shall not haue this wryt: for that, þ he shal neuer be receyued to disable hym selfe. Quere. And note ye: that this writ may be made in the per Cui, et post, as other wryttes of Entre. And the proces is Somons, graunde Cape, and petit Cape. Quere. proces.

Addicion.

¶ In this wryt it was supposed, that þ tenãt hath no estre but by hys auncestour that demysed to the tenant. The tenant sayde that he entred by one N. & not by hys auncestour and that was holden no plee, for he ought to trauers the dimise, & not þ entre, wherfore he sayd that he entred by N. wont that, þ his auncestour let T.xviii E.iii

☞ Note ye: that in this wryt of Dñ nõ fuit cõpos mentis, omissiõ of discret of hi that myght rende the estate of the party of the demaũdant, shal not abate þ wryt though that he surmise him of whose seison he demaundeth, excepte that he was seysed, or had released, or had made felony, or had yssue in ful lyfe. T.xii. E.iii.

☞ Note ye: that if one beyng out of his minde make a feoffement (sicc.), after hys death hys heyre may entre for the yssue was take vpõ þ beyng out of his minde. T.xii. & iii. An xxvi. T.vi.

☞ A wryt de Ingressu dum fuit infra etatem.

A wryte de ingressu dū fuit infra e tatē.is such

REX vic̄ salutem. p̄cip̄ A. q̄ iuste. &c. redd· B. qui plene etatis est: vt dic̄ duas acras terre cum pertin̄ in N. quas idem B. ei dimisit dum infra etatem fuit: vt dic̄. Et nisi fecerit. &c. Te ste. &c.

THys wryt lyeth where one beyng within age selleth his land to him discended, or of his owne purchace in fee, or for terme of life, whē he cometh to hys ful age, he or his heyre may recouer by thys wryt, but it is conuenient ꝑ he be of ful age the day of his wryt purchased, but if the infant let his lande for terme of yeres, & after he make a confirmacion, or release within age he shal not haue the said wryt whā he cometh to his ful age, but he may haue in thys case assyse of Nouel disseison: for that, that the Infāt made no leuere of seysō. And note ye: that yf land in fee symple be solde by one beynge wythin age, the heyre of the seller shal not maynteyne the sayd wryt beyng within age, nor no wryttes of Entre. Except it be within the case of ꝑ statute of Westm̄. 2. Capitu. 46. whych begynneth. Purueu est ensemēt que nul. &c Also yf the father beyng wythin age sel lande to hym discended in tayle & dyed, his issue shal haue a Formedon in the discendre, and not the sayde wryt. And note ye: that yf an Infāt sel his land, he may entre agaynst hys owne feoffement, & yf he be

12 E 4. 16

he be put out, he shall haue assyse of Nouel disseyson when he cometh to hys full age but when he cometh to hys full age, it is conuenient for hym to purchase the sayd writ. And note that an Infant shal recouer in a writ of Ryght, or any other writ accordyng to his cale, for such lāde that he hath of hys owne purchase. And also an Infant shalbe charged to attourne by a writ that is called Per que seruitia, bt pat p Johēm Coplande termino Michael. An. 25. E. 3. But it is said that he shall not be charged to attourne by a Mandeuris clamat. And note that an Infant may mayntenue a writ of Entre vpon a disseyson made to hym selfe. And note that if. ii. bryng a writ of right as heyres, the one beyng wythin age the plee shal tare vnto her ful age. If a man bryngeth a writ of possession, as a writ of Ayle, Colynage, or Assyse of Mortdauncestour, & the tenaūt in any of these actions say, that hys auncestour was seysed of ꝑ same land in hys demeane as of fee, after whose death he entreth a sone and heyre, & pray his age, yf the trouth be so he shal haue his age. Otherwyse is assise of Nouel diss. for that, that the diss. was hys owne wrongc. If an Infant bryng any writ of possession agaynst one of ful age, he shalbe answered, as in a Formed 9. H. 7. 24

in the discender if his ãcestour dyed seyʒ
sed as of fee tayle: for that, þ it is in place
of Assise of Mortdañcestour, but if there
be pleaded against him in the dede of his
anncestour with affez by discent, the plee
shal tarye: for that, that he within age may
not confesse nor denye the dede of his añ=
cestour: But yf in assyse of Nouel disseyʒ
son, the dede of the father of the Infañt
with a warrant be pleaded agaynst hym
the assyse shalbe awarded for þ auantage
of the Infant to enquere of the Circom=
stances of the dede (that is to say) if it be
the dede of the añcestour. And yf it so be
that the auncestour was of full age, and
of good memorye, & yf the land passed by
he dede or nat, and yf he be heyre to hym
and for these matters afore loke the sta=
tute of Glouc. Capi. 2. whiche begynneth,
Si enfant deins age. &c. Note ye: that an
Infant shal answere where he is seoffed
within age, and euerye other case where
he is in of his owne Intrusiõ. The same
lawe is in a writ of Dower where the
heyre to bouched to warranty. The same
lawe is in appele if he be of þ age of. xiii.
yeres, And note ye: yf an Infant sell hys
lande reseruynge certayne rent, & at his
full age he receyueth the rente, he shalbe
barred of his accion. And note ye: that an
Infañt may not sue an appele: for that, þ
be

he may nat ſuffre impꝛyſonement, & alſo
for that, that he may not make raūſome.

Addicion.

¶ This wꝛit was bꝛought in B. the te- p.xiii. E.iii.
naunt ſayd that the bſage of that towne
is, whan a man can coūt. xii. d. & meſure
a yarde of clothe, than he is of age to ſell
his lande, of ſuche age was the demaun-
dant whan he demiſed: and for that, that
he put nat the age to certeyn, ſo that the
demaundant myght haue anſwere to ỹ a
warded was that the demaundant ſhuld
recouer.

☞ Note ye: that yf the huſbande & the w.xiiii E.iii
wyfe do ſel land that he hath in ryght of
the wyfe both beynge within age, after
the death of the huſbande, the wyfe ſhall
haue a Dum fuit infra etatem, and this is
in a wꝛyt of Waſt.

¶ If the huſbande & the wyfe purchaſe w.xxii.E.iii
lande ioyntlye the wyfe beinge win age,
and the huſbnade & the wyfe ſelleth all ỹ
lande, the huſbande dyed, the wyfe ſhall
reconer the hole by this wꝛyt.

☞ Note ye: that it is ſayde by Bake in T.xii. H.iiii.
aſſyſe, that an Infāt of the age of. xviii.
yeres may be a diſſeiſour with forꝛe & ar
mes, & be impꝛyſoned and anſwer to the
wꝛong made by hym. &c. & yf the Infant
pleade in barre (as he wel may) and a ti-
tle is made againſt hym, he ſhal anſwer

to the tytle, or otherwyse the assyse shalbe taken, and if he reply agaynst the title whych is found agaynst hym, it shal not be enquered yt he hath any other matter agaynst the tytle, & that is for the wrõg that is supposed in his person, but when he is pleyntyfe, & a barre pleded agaynst him the court of olyte shal enquere for ỹ Jnfãt: for that, that he knoweth not his best right, & the court hath puwer to enquere for the tendernes of hys age.

w.y. E.iiii. ☞ Note ye: that it was holded by all ỹ Justices, that ỹ circumstaunces of a dede pleaded agaynst an Jnfãt, shal not be enquered in a wrytte of Entre, nor in no other writ, but wher ther is a Jure of the fyrst day for the Ventre facias is to trye one poynt certeyne.

☞ A wryt de Jngressu suy diss. in le quibus.

A wryte de ingressu suy per diss. in le quibꝰ is such.

REx vic. salutem. Præc. A. q. &c. redd· B. vnũ mess. cum ptiñ in N. q̃ clamat esse ius & hered· suum et de quo idem A. iniuste & sine iudic. disseisiuit C. pr̃m predicti B. cuius heres ipse est post primam tranfft dñi regis. &c. Jn Gascoñ. &c. Uel sic. Jn quod idẽ A. non habet ingressũ nisi p̃ C. cui A. illud dimisit q̃ iniuste & sin̄ iuditio disseisiuit R. patrem p̃dicti B. vl̃ ãtecessorem. &c. cuius heres ipe est post primã trãfretattonẽ. &c. Uel sic. Jn quod idẽ A. nõ habet ingressũ, nisi post dimissionẽ q̃ C. inde fecerit B patri. &c. p̃dicti B. cuius heres. &c. post primã. &c. Et vnde querit. &c. Teste.

Thys

THis wryt lyeth where a mā is dis-
seysed, & dieth, his heyre shal haue
the said wryt against the same dis-
seysour. And note ye: þ this wryt is not
gyuen but onely for the heyre of the dys-
seysy (in what degree so euer he be.) And
in this wryt the demaundant shal make
title as heyre from the ancestour þ was
disseysed. And note: þ this wryt shall not
tary for the nonage, as appereth by þ sta-
tute of Westm. 1. Ca. 46. whych begyn-
neth, Purueu est enlement. &c. It is said
if the forsayd wryt be brought agaynst
the yssue of the alyene of þ disseysour (yf
he be wythin age) then the plee shall not
tary: for that, þ it is not within the case
of the sayd statute. And the Proces is in
this wryt, & al other wryttes of Entre þ
are plee of land, & begynneth Pzcē q̄ red-
dat. &c. Somons, graund Cape, and petit
Cape. And this wryt shal sayde quo dē
ꝯbus A. dim. W, pñm. &c. cuī heres ipe est. Proces.

Addicion.

Note ye: of what thynges a mā shal haue the sayd wryt, he shal haue the said wryt of a George. 9. viii. E. iii.

If a fyschyng be graūted to an Abbot and he vse the fyschyng in seuerall tye, yf he be disseysed & died, hys successour shal haue a wryt of Entre for the grounde. 22. viii. E. iii.

S. iiii. And

T.iiii. E.iii. ¶ And note ye that a man shal haue the said writ. Precipe quod reddat pasturam ad duos boues, and this is to be intended that this writ lyeth not agaynst the lorde of the grounde, for agaynste hym lyeth the Quod permittat.

T.iii. E.ii. ☞ A man shal not haue the said writ of Precipe quod reddat passagium vltra aquam agaynst hym that hath the course of the water, but a Quod permittat.

W.vii.E.iii. ☞ A man shal haue this writ Precipe. &c. quod reddat balliuam ad custodiendum pecus de L. cum petens clamat esse ius et hereditatem suam

P.iiii.E.iiii. ☞ Note ye that a man shal haue a Precipe quod reddat of a thyng that lyeth in gruynge as land, rent, & such lyke, but of a thyng that lyeth in takyng or sufferaunce to vse otherwyse is, as of Common, Estouers, & suche lyke wherof the partye shall haue assyse or a Quod permittat.

☞ A writ de Ingressu sup in per.

A wryte de Ingressu super diss. in p is such

Rex vic salutem. Precipe A. quod iuste & sine dilatione reddat B. vnum mess. cum pertin in N. quod clamat esse ius & hereditatem suam: & in quod idem A. non habet ingressum nisi per C. que iuste iniuste et sine iuditio disseisiuit T. patrem predicti B. cuius heres ipse est post primam transgressionem &c. et vnde queritur. &c.

This writ lieth where a man is dysseysed of hys freehold, & the dysseysour sel to a straunger, or yf the dysseysour dye & hys heyre entre, than the dysseysy

ceysy or hys heyre shal haue the forsaid writ agaynst the alyenour, or agaynst ꝑ heyre of the disseysour. And note ye: that ly vpynge the disseysour no writ of Entre lyeth for the disseysye but only assyse of Nouel diss. And the writ of Entre shalbe Et quod idē A. non habet ingressū nisi ꝑ B. qui illud ei dimisit qui iniuste. &c. And yf the dysseysour sel the land, and dyeth, he to whom the lande was solde sel to another, or in case that the dysseisour dye, and his heyre entre, & that heyre die, and his heyre entre, thā the disseysour, or his heyre shal haue a writ of Entre sur dysseyson in the Per, et Cui. And the writ shalbe thus. Et in q̄ non habet ingressū nisi ꝑ J. S. cui R. D, illud ei dimisit qui inde. &c. And note yf the dysseysour sell ꝯ lande, & dye, & he to whom the land was solde sell to another, & the seconde alyene sell the lande to another man, or in case that there be thre discentes of the disseysours part, than the disseisy, or his heire shal haue a writ of entre in the post, and the writ shalbe. Et in quod non habet ingressū nisi post dissciam quod D. inde iniuste. &c. And no te ye: that. b. thing putteth the writ of Entre out of his degree (that is to say) Intrusion, Election, disseysion vpon dissin, Iugement & Escheit Fyrst Intrusiō is, where the dysseysour

dyed seysed & a straūger abate, the disseysye or hys heyre shall not haue a writ of Entre in the per, but the writte shalbe in the post: for that, that the abatour is not in by dyscente, nor by purchase, but onely by hys owne wronge. The seconde cause is Election, and that is where the disseasour is a man of relygyon & dyeth, or is deposed and his successour entreth, the dysseysy or hys heyre shal not haue a writ of Entre in the per, but a writ in the post, the cause appereth. The thyrde is Judgement, and that is, where a man recouereth agayust the disseysour, and after the dysseysour dyed, the dysseysye or hys heyre shal not haue a writ of Entre in the per, but in the post. The foureth is dissin vpō dissin, & that is where the dysseysour is disseysed, & dyed, the fyrst dysseysy or hys heyr shal not haue a writ of Entre in ꝑ per, but in the post. The fifth is Eschеyt, & that is where ꝑ dysseysour, dyeth wythout heyre, or do a felony, for the whych he is attaynted, & dyeth. The lorde entreth as in hys Eschеyt the dysseysy or hys heyr shal not haue a writ of Entre in the per, but in the post, ꝑ cause appeareth. And note ye, that the writ of Entre in the post is gyuen by the statute of Marlin ꝑ last chapiter, whych begynneth. Prouisum est. &c. And the proces is

Proces. Somons.

Somons, graunde Cape, and petit Cape And note ye: ỳ yf the yssue byyng a wryt of Entre in quibus, and the tenãt plede in barre a feoffement of the same father, the yssue shal not be charged to answere to the dede, but he shal haue his wryt: for that, that this is no barre, but it is a trauers to the wryt.

☞A wryt de Entre sine assensu capti.

A wryte de Entre sine assẽsu capti is suche.

REx vic. salutẽ. prec. A. ꝙ iuste. &c. redd. B. abbati sancti Augustini de N. vnũ mess. cum ptiñ i N. ꝙ clamat esse ius monasterii sui p̃dicti Et in ꝙ idẽ B. nõ habet ingressũ nisi p C. quõdam abbatẽ monasterii predicti q̃ illud ei dimisit sine assensu & voluntate capti monasterii predicti: vt dic. Et nisi fecerit, & p̃dictus B. fecerit. &c. Et habeas. &c. Teste &c.

THys wryte lyeth where an Abbot or Prior, or any such that hath couent, or comon seale selleth land or tenemẽt that he hath in the ryght of hys churche, wythout the assent of the couent, or chapitour yf dyeth, then hys successour shal haue the sayde wryt. And know ye: that thys wryt may be made in the Per, Cui, or post, as it appereth by ỳ Register And ỳ Proces is as in ỳ wryt next afore. proces.

☞A wryt de Ingressu super cui in vita.

A wryte de ingressu super cui in vita is suche.

REx vic. salutẽ, prec. A, ꝙ &c, redd. B, que fuit vxor D, vnũ mess. cũ ptiñ in N. ꝙ clamat esse ius & hereditẽ suã E, in ꝙ id, A. nõ habet ingressum

ingressū nisi p̄ dictum W. quondam vtrū ipse B. d illud ei dimisit: cui ipsa in vita sua contra dicere non potuit: vt dic. Et nisi fec. ꝛc.

THys wryt lyeth where a woma is seysed for terme of lyfe in taile, or in Fee symple, & take a husband, & the husbande sel the land and dyeth, the wyfe shal haue the forsayd wryt. And ꝑ Proces. Proces in graūd Cape, & petit Cape. And note ye: ꝑ in this wryt the shal make tytle, & the writ shal say: ꝙ clamat esse ius et hereditatē suā: notwythstandynge her owne seyson. And if the wyfe hath other estate thā Fee symple as for terme of life the writ shal say Quod clamat tenere ad terminū vite sue, & of fe tayl. And in case that the husband and the wyfe purchase iontly, and the husbande sell al the lande and dyeth, the wyfe shall haue the sayde writ & recouer the hole. And by ꝑ statute of Westm. 2. Ca. 3. whych beginneth. In casu quo vir. ꝛc. wyl that ꝑ land whych the husband hath in ꝑ ryght of his wyfe be recouered agaynst the husbande & the wyfe by defaut, after the death of ꝑ husband the wyfe shal haue ꝑ forsaid wryt and the tenaunt shall shewe the matter of his fyrst wryt, to which writ the wife shal haue answer, and if it be found that the tenaunt hath no ryght, then the wife shal recouer by the sayd wryttē. But if a man

man recouer agaynst the husband oncly the lande ꝑ he hath in ryght of his wyfe by defaute or accyon tryed, & the husbãde dyeth, the wyfe shal haue assise, & nat the sayd writ: for that: that she was not partye to the Iudgement. And note ye: that where a man is a straũger to iudgement he may haue trauers to the title cõprised in that iudgemẽt, as in case that I bring a Formedon, & the tenaunt say, that another tyme he brought assyse of No. dyss. agaynst B. and recouered, of the gyfte of whych he bryngeth and thys accyõ was meane betwyxt the disseisõ made to him and hys recouere, & demaund iugement. &c. the demandant sayd that by such a recouere you may not deferre the gyft, for ye were not disseysed, & that am I redye to auerre. &c. & that was thought a good plee, but the party that is pryue shal not haue such an auerement: for that, ꝑ he is helped by Attaynte, Errour, or Dysceit after hys case, and so no myschyefe to hym. And note ye: that if the wyfe bring her writ of Cui in vita against the feoffe of her husbande, and the feoffe bouche to warrant the heyre of the husbande that is within age, the plee shal not tary vnto hys ful age: for that, that it is remedyed by the statute of West. 2. Ca. 40. which begynneth, Cũ quis. &c. But otherwise is, ꝑ

is, yt the wyfe bryngeth her Cui in vita in the per, & the tenaunt bouche hym to warrantye by whom his entre is supposed and he bouche ouer the heyre of the husbande that is within age, & pray that the plc may tary vnto his ful age, in this cyse the plee shall tarye: for that, that ỳ same statute is not otherwyse entended but where the alyene of the husbād bouchyth to warrant the heyre of ỳ husbād. And note yet that this accyon lyeth for ỳ heyre of the wyfe, for yt the husbande sel lande that he hath in ryght of his wyfe, and the husband and the wyfe dyed, the heyre shal haue the sayd wryt. But if the wyfe be tenant in tayle, and the husband sel or the husbande & the wyfe lose by defaute. It is sayd that the heyre shal haue a Formedon in the discender, & not a Cui in vita. And note yet ỳ yt the yssue bryng the sayd wryt of cui in vita of ỳ sale made by hys father he shal not be barred of accion by ỳ warrant of his father only without, that he hath to ỳ value of fe symple discended so hym frō his father ỳ made the warrant. And that is giuen by the statute of Glouc. Ca. 3. Whych begynneth. Establc est ensement &c. And in case that the husbande let lande that he hath in ryght of his wyfe for terme of yeres & after make a cōfirmacīō for terme of life

ozin

or in fee, & the husbande dyed it is sayd þ
þ wyfe may not haue þ Cui in vita. But
all yfe of Nouel dist. nor the heyre of the
wyfe after the death of þ wyfe shal haue
the sayde wryt, but a wryt of Entre sur
dist. for the wryt shall not suppose suche
sale to be made by confirmacyon, nor by
release.

Addicion.

¶ The wryt of a Cui in vita was, Quod clamat tenere sibi & heredibꝰ de corpore. &c. and sheweth not of whose gift, wherfore the wryt abated, but in a Mere deforceat he shal not shewe of whose gyfte. vrlviii. E.iii

¶ The sayd wryt supposeth that the tenaunt hath no entre but by one S. & the tenaunt sayd that he entred by the sayd S. & one A. his wyfe iugement of þ writ, yet the wryt is good, for thoughe that þ husband made a demyse to S. and A. hys wyfe, & they demysed ouer to the tenant, yet all shalbe counted the dymyse of the husbande, wherfore the tenaunt pleaded to the accion. But yf S. & A. had demised by fyne otherwyse shuld be, and that the tenaunt shulde haue pleaded so. w.xix. E.ii.

¶ The said writ was brought against þ husbande & hys wyfe, supposyng that þ wife hath no entre but by one J. to whō the husband of þ pleyntyfe demysed. &c. the tenauntes sayd that the husbande & vi. xxviii. E.iiii.

the

the wyfe entred by the sayd Iugement of the wrytt, & that plee was not allowed wout trauersing þ the wife only entred.

w.rrrvi, E.iii. ☞ If the husbande & the wyfe, and the thyrd purchase ioyntly, and the husband sel al the lande and dye, the wife shal nat haue a Cui in vita lyuyng the thyrd: for that, þ they may ioyne in a wrytt of right but yf the thyrd dye, she shal haue a Cui in vita of the hole, but if þ purchace was afore the maryage, than she shall haue a Cui in vita, but of the halfe, no more thã a Cui ante dounerium.

ir. Ei.ii. Li.aff. ☞ If the husband be seysed of land for terme of lyfe in the ryght of the wyfe: & therof make a feoffement by force wherof he in the reuercion entre, and the husband dyed, the wyfe shall haue the lande agayne.

w.r. T.iii. þ.rvii.E.iii. ☞ If the husband discontynue lande þ he hath in the ryghte of his wyfe, & dye, yf the wyfe accepte parte of the lande in name of dower: quere if she shalbe barred

w.rrriiii. E.iii. ☞ If a mã gyue land to a woman vpõ condicion that she shall sel the lande, & to distrybute the money for the soule of the feoffe, the wife taketh a husband, & after the husband and þ wyfe sel the land and dystrybute the money accordynge, the husbande dyed, the wyfe shal not haue a Cui in vita.

A wrytt

☞ A writ de Ingressu cui ante deuorē.

REX vic̄ salutē. prec̄ A. q̄ redd̄ B. fuit vror C vnū mess. cū ptiñ in T. q̄ clamat esse ius et hereditatē suā, & in q̄ idē A. nō habet ingressū nisi p̄ p̄dict̄ C. quondam viri ipsius C. qui illud ei dimisit cui ipsa ante deuorē inter eos celebratū contradicere nō potuit, vt dic̄. Et nisi fec. &c. Et habeas Teste. &c.

A writ de ingressu cui ante diuc. is fuch.

THys writ lyeth wher a mā selleth lande that he hath in the ryght of his wife, as afore is sayd in ꝑ Cui in vita, and afterwarde a deuors is had betwyxt thē, thā the wife after ꝑ deuors or her heyre shal recouer against ꝑ feoffe his heyre, or his assygnes, or what ꝑson soeuer that is in the land. And this writ may be made in ꝑ Per, Cui, or Post. And the Proces is, as in the writ next afore.

proces.

☞ A writ de Ingressu causa matrimonii prelocuti.

REX vic̄ salutē. prec. A. q̄ &c, redd̄ B, vnum mes, cū ptiñ in N, q̄ idē A. ei dimisit causa matrimonii inter eos prelocuti, qui eā duxisse debuit in vxorem et nondum duxit vt dic̄, Et nisi fec, &c, Teste, &c,

A writte de ingressu causa matrimonii ꝑlocuti is suche.

THys writ lyeth wher a womā giueth certeyne landes tenementes, or rentes to any man vpon condycyon, that he shal marye the sayd womā wythin a certeyne tyme, yf the man wyl not marry the sayd woman wythin ꝑ said tyme (betwyxt the assygned) nor yf ꝑ mā

disableth himselfe as in takyng of another woman to his wyfe in ỳ meane time or be made a preest, so ỳ she may not take hym to husband accordyng to the condicyon, she or her heyres shall recouer the sayd landes agaynst the sayde man, or agaynst whosoeuer be in the land, by this sayd writ, for this writ may be in ỳ Per Cui, or Post. ☞ And note ye: that it is conuenient that thys condicyõ be made by indenture, or otherwyse thys writte lyeth not. And the Proces is as in ỳ Cui in vita.

Proces.

Addicion.

An. v. E. ii. ¶ In a Cui in vita, the tenant said, that the sayde A. her husbande gaue the same landes to the wyfe: now demaundaunt, causa matrimonii prelocuti: & after toke her to wyfe, &c. And so the effecte of the gift. &c. Deuoñ. If a mã giue lãd to a woman by fine, & the next day he marry her, suppose you that the fyne is voyde? whiche prouyth that by the espousels, ỳ gyft or the graunt is not defeated.

☞ A writ de Intrusion.

REx vic̃ salutẽ. Pręc̃ A. q̃ tc. redd̃ B. vnã me. cõ ptiñ in N. q̃ clamat esse ius & hereditatem suam: et in quod idem A. no habet ingres sum niſi p intrusionem quam in illud fec̃ post mortem C. que fuit vxor B. que illud tenuit in dotem de dono p̃dicti B. quondam viri sui patris p̃dicti B. cuius heres ipse est vt dic̃. Et

niſi

nisi fecerit &c. Teste. &c.

THys wryt lyeth where the tenaũt for terme of life or of another mans lyfe, tenaunt in dower, or tenaunt by courtesy dyeth seysed of certeine landes & tenemẽtes, & a straũger entre he in the reuercion shal haue the sayd wryt agaynst the abatour, or agaynste whosoeuer that is in the lande after the death of suche tenauntes. And note ye. that thys wryt may be in the Per, Cui, or Post, as other wryts of Entre. And note ye: that Assyse of Mortdauncestour, Ayle, Colynage, Assyse of darreyne presentmẽt, and Nup obiit, are called writtes of possession, in whyche wryts a man shall recouer damages, Costes, & the yssues of the land or tenement demaũded. And note ye: that a wryt of Intrusyon in the tyme of bacacion shalbe maynteyned for the successour against the abatour that is in, in any lande or tenement that belongeth to hys church after the death of hys predecessour, & that is gyuen by the statute of Marl. Cap. vltimo. And the proces is as in the Cui in vita. proces.

Addicion.

¶ The graundfather, father & the sonne are, & the graundfather let land to the father for terme of hys lyfe, the graundfa- li. vii. E. iii.

ther & the father died, & a straūger abate the sonne shal haue a writ of Intrusion and declare of the seison of the grandfather, and make discent by his father.

p.vi. f.ij. ¶ If landes be let for terme of lyfe ỹ remander ouer in fee, the tenaunt for lyfe dyed a straunger abate, he in the remainder may chose to haue a Scire facias, or a writ of Intrusyon.

¶ A writ de Ingressu ad cõmunẽ legẽ.

A wryte de ingressu ad communẽ legem is such.

REt vic. salutẽ. præc. A, q̃ iuste & sine dilatiõe reddat B, vnã bouatã terre cũ ptiñ in N, quã clamat esse ius & heredit suã et in quã idẽ A nõ habet ingressũ nisi p̃ C, q̃ fuit intrus. B, q̃ illã ei dimisit, et que illã tenuit in dotẽ p̃dicti B. quõdã viri sui, patrẽ p̃dicti B. cuius heres ipse est: vt dic. Et nisi &c, Et habeas &c, teste &c,

THys writ lieth where the tenaũt for terme of life, or of anothers life, tenant by courtesye, or tenaunt in dowper, make a feoffement in fee, & dieth he in the reuercyon shall haue the forsaid writ against whosoeuer that is in ỹ lande after suche feoffement made. And note ye: that this writ may be mase in ỹ Per, Cui, or Post. And note ye: that it is gyuen by the statute of Westm. 2. Cap. 3 Whych begynneth. In casu quo vir. &c. yf tenaunt in dower, or by the courtesye loseth by defaute & dye, he in ỹ reuercion shal haue the sayd writ, but yf the tenãt by the lawe of Englande make a feoffe-

ment

ment, or lose by defaut, & dyeth, he in the reuercion may recouer by assyse of Mort dauncestour, Ayle, or Cosynage, notwithstandyng the seyson of the tenaūt by the courtesy, as it appereth by the statute of Glouc. Cap. 3. Whych begynneth. Establie est q̄ si home &c. &c. where he myght haue had the writ of Entre at the comon law. And the Proces is as in other writtes of Entre. proces.

Addicion.

¶ In a writ of Entre at the comō law, the writ shewed not the death of the tenant for terme of lyfe, wherefore ỹ writ was abated by iugemēt & after reuersed in the kynges bench: for that, that there is no other fourme of writ. W. fol. E. iij

¶ A writ de Ingressu in casu prouiso.

REx vic, salutē p̄cipe A, q̄ &c, redd, B, vnū mesua, cū ptiñ in N, q̄ clamat &c, & in q̄ idē A, nō habet ingr̄ nisi p̄ C, que fuit vxor ℔, que illud ei dimisit, vt que illud tenuit in dotende dono p̄dicti ℔, quōdā viri sui patris p̄dicti ℔, cui' hēr ipse est, & q̄ p̄ dimissionē p̄ ipsā C, p̄fat B, cōtra formā statuti Gloc, de cōmuni consilio regñ Angle inde prouis: factā in feod, ad p̄fat B, reuerti debeat per formam eiusdē statuti vt dic, Et nisi fecerit: vt supra, A writte de ingressu in casu putso is such.

THys writ is giuen by ỹ statute of Glouc. Ca. 7. whych beginneth. Enlement q̄ si leme vnde. &c. & lyeth where tenant in dower maketh a feoffe-

ment in fee in tayle, or for terme of lyfe of the leffe (lyuyng the tenant in dower) he in the reuercyon shall haue thys wryt against hym that is in the land. And this wryt may be made in ꝑ per, Cui, or Post as other wryttes of Entre. And note ye: that thys wryt lyeth durynge the lyfe of the wyfe, and not after the death.

☞ A wryt de ingressu in consimili casu.

A wryt de Ingressu in consimili casu fuyls fuche.

REx vic̃ salutẽ. pr̃eĩ A. q̃ iuste ⁊ sine dilatiõe redõ B. vnum mess. cũ ptiñ in N. q̃ clamat esse ius ⁊ hereditatem suam: ⁊ in q̃ idem A. non habet ingressum nisi per C. q̃ illud tenuit p legem Anglie post mortem S. quondam vxoris sue matris p̃dicti B. cuius heres ipse est. Et qui qui post dimissionem p ipsũ C. p̃fato A. inde factã in feodo ad p̃fatũ B. reuerti debeat per formam statuti in cõsimili casu prouisum. Et nisi fecerit. ⁊c. Teste. ⁊c.

THis wryt is takẽ by the equite of the statute of Glouc. Cap. 7. & lyeth where the tenant for terme of life, or by the courtelye make a feoffement as afore is sayd, he in ꝑ reuercion shall haue thys wryt agaynst whosoeuer be in the lande durynge the lyfe of the tenaunt by the courtelye, or tenaũt for terme of lyfe and not after their death. M. 12. E. 3. And this wryt may be made in the per, Cui, or Post. And the pees in these. ii. wrytes is Somons, graũde Cape, & petit Cape.

Proces.

¶ Addicion.

Note

☞ Note yͤr yͭ this wrytt was meyntey- ỿ.xxi. C.iii
ned by ỿ tenant in tayle in the reuercion and the wrytt made mencion of the tayle.

☞ Note yͤ that this writ was purcha T.vi. C.ii.
sed during the lyfe of ỿ tenaũt for terme of lyfe, and hauyng the wrytt the tenaũt dyeth, yet the wrytt was awarded good: for that, ỿ he was a straũger to the wrytt & alloy accyõ is brought of ỿ alyenaciõ.

¶ If a man let lands for terme of life, ỿ. xviii. C.ii.
remaynder to another in fee by fyne, the tenaunt for terme of lyfe made a feoffement in fee, he in the remaynder in fee brought the sayde wrytt & the wrytt was good by the oppynyon of the court.

☞ Note yͤ that the graũt of the reuer- W.xii. C.ii.
cion brought the said wrytt, and was iudged good per attornatione, &c.

☞ A wrytt de Cessauit per biennium.

REx vic̃ salutẽ. præc. A. q̃ &c. redd̃ B. vnum A writte de
mess. cũ ptiñ in N. q̃ idẽ A. de eo tenet p cer Cessauit p
ta seruitia. Et q̃ ad pfatũ B. reuerti debeat p biennii is
formã statuti de cõmuni consilio regni nr̃i An- suche.
glie inde proniſi eo q̃ p̃dictus A. in faciendo seruitia prædicta p biennium iã cessauit: vt dic. Et nisi fecerit. &c. Teste.

THys wrytt lyeth wher my bery tenaunt holdeth of me certeyne landes or tenementes by the seruyces of homage & fealte, & to gyue to me euery yere at certeyne termes of the yere certeyne rent of whych seruyces I was sei-

sed by the hande of the tenãnt, thã yf he ceale of the payment of the sayd rent by two hole yeres, so that J̃ coulde not fynd a distres in ꝑ sayd tenemẽtes .s. no good des whereby J̃ myght dystreyne hym to haue payd the sayd rent, but suffreth the lãdes to lye freshe without mayntenãce after ꝑ sayd two yeres past, ꝑ sayd tenementes bycause of the cesse ought to reuert to me, & than J̃ may recouer by this writ agaynst my tenãt or his heyre, or agaynst whosoeuer be in after the sayde cesse by .ii. yeres. And note: yf he agaynst whom my writ is brought, come in court afore iudgement gyuen, & paye to me the arrerages & damages reasonable for the sayde cesse, & fynde suertye (as the court wil awarde) that he shal cesse no more of the payment of the rent, thã he shal holde styl the said tenemẽts, so that J̃ shal not recouer by this writ. And note ye: that ꝑ heyre may not maynteyne this writ bycause of a cesser made in tyme of his ancestour, nor shal haue no rẽt, suit, nor arrerages due in the lyfe of his auncestour And also it is sayd that thys writ lyeth of the cesser of no seruices, but of yearely seruices, as of rent & suche lyke, & not of homages, fealtye, escuage, & reliefe, for these are no yerely seruices. And note ye: that if J̃ dye seysed of yerely seruyces, &

the

the tenant ceſſe the two yeres next after my death ſo that my heire was neuer ſeiſed of ꝑ ſeruices, yet my heyre ſhall haue the ſayd writ agaynſt the ſayd tenāt or his heyre, or agaynſt what perſon ſoeuer that is tenaunt, & he ſhal name him ſelfe heyre to his father in the writ. And ſo is the ſtatute of Weſtm. 2. Ca. 21. which begynneth. Cum in ſtatuti apud Bloc. &c.

Addition.

¶ In a Ceſſauit ꝑ writ was, that one I. holdeth certeyne landes by certeyne ſeruices, & that the ſayd I. hath ceſſed, & declared that I. holdeth of hym the maner of W. wherof the Carue is parcel by certeyne ſeruyces, & that the tenaunt hathe no eſtre but by I. & the writ was challēged: for that, that he declared that ꝑ hole maner was holden of him by certeyn ſeruyces, & he aſſygned the ceſſour but in the land demaunded that is parcell of ꝑ maner where he ought to haue aſſygned the ceſſour in the hole maner, & that excepciō was not allowed, for the ceſſour ſhal not be aſſygned but in the lande demaunded. T.viii. E.iij.

¶ A Ceſſauit was brought againſt A. & declared that B. held of hym, & that the tenemētes ought to reuert: for that, ꝑ the ſayde A. hath ceſſed, & the writ awarded good wythout ſpeakyng of any entre. W.rrii. E.iii.

¶ In a ceſſauit be ſolid. 4. pledges and An.xxxi. E.i

the court awarded if the rent be behynde after that the lorde shall distrayne in the lande of the pledges.

xxxiii.E.ii. ☙ Two coparceners ar entytled to haue a Cessauit, the one hath yssues & dyeth he that surmyseth shal not haue the accyon. Otherwyse it is of toyntenantes. If the husbãde hath a seygnory in the right of his wyfe, & the tenaunt cesse, and after ꝑ husbande dyethe, the wyfe shall haue ꝑ Cessauit.

F.N.B.iii. ¶ In a Cessauit ꝑ tenaunt sayd that he hath declared in the right of his churche, in the wryt is not cõprehẽded: q̃ clamat esse ius ecclie sue, & therfore he demaunded iudgement, but the plee was not alowed: for that ꝑ the abbot shall not make tytle in this wryt, for that, ꝑ it is gyuen by the statute.

W.xxxiii. ☞ Note ye: by Bryslon, that a Cessauit lyeth of supt of court yf the lorde hath a court, yf not the tenãt may alledge ꝑ.

W.xvii.E.ii. F.N.B.iii ¶ Cessauit was mayntayned by an Infant: for that, that it is gyuẽ in place of a nowre, notwithstandynge ꝑ it be a wryt of Right in his nature.

T.xii.E.iii, ☞ Note ye: that a Cessauit lieth not for the donour agaynst the done but yf lande be gyuen in tayle the remaynder ouer in fee. the chylde lorde shall haue a Cessauit agaynst the tenaunt in tayle, for that, ꝑ the

the lorde shal not be barred by the acte of a stranger.

Awryt de Cessauit per qiennii de feodi firma,

A wryt de Cessauit par viennium̄de feodi firma is suche,

Rex vic. salut. p̄cec. A. q̄ &c. redd̄ B. vnū mes. cū ptiū in N. q̄ iō B. eid̄ A. dimisit ad feodi firmā reddēd̄ inde p̄ ann̄ eidē R. terē p̄tē seu valorē mess. p̄dicti, Et q̄ ad ipsū B, reuerti debeat p̄forma statuti &c, inde prouiś, ei q̄ p̄dictus A, in solutione firme p̄dicte p̄ bennii iam cessauit: vt dic, Et nisi &c, Teste, &c,

THys wryt lyeth where a man gyueth certeyne lande in fee symple, or in fee tayle paying to hym & to his heires in fee ferme by yere that is to say rent, or to fynde to hym & his heyres Estouers, or clothyng, the whych charge so reserued to him & to his heyres amoũteth to ỹ value of ỹ forth part at least, or more, as to the thyrde part, or to ỹ halfe, or the very value of the land or tenemēt so charged, then yf the sayde fee ferme be not payed by two hole yeres, nor that he may not fynd dystres in the sayd tenemētes within the sayd. ii. yeres, then shal he or hys heyre recouer agaynst the tenaūt by ỹ forsaid wryt. And note: that no m̄ may dystrein for these charges but where thole tenementes are giuen in tayle as afore is sayd, or that they were giuē in fee symple afore the statute of Quia emptores terrarū, &c. for if tenementes be giuē in fee

in fee symple after the statute aforesayd, a man may not dystreyne. And note ye that the heire shal not haue this writ because of such charge behynde in time of his aūcestour. And the processe is in thys writ graunde Cape, and petit Cape.

☞ A writ de Cessault de cātaria per biennium.

A wryte de cessault de cantaria p biennium is suche.

REX vic, salutē, precipe Johām abbat de N qꝛ reddat B, vnū mes, cū pertin l N, qꝛ A, pater ꝓdicti B, cuius heres ipe est dimisit C, quō dā abbati et succ, suis abbatibus de N, ꝓdicta ad inueniēdū quēdā monachū p animab⁹ ꝓdicti A, et hered, eiusdem A, in ab, de N, ꝓdict diuina celebrat, Et qꝛ ad prefatū B, reūti debet p formā statuti de cōmuni consilio E, nſi Anglie super huiusmodi dimissione puisi: qꝛ ꝓdict⁹ Johannes inueniēdū ꝓdictum monachum per biennium iam cessauit: Vt dic, Et ni si fecerit, ꝛc, Teste, ꝛc,

THys writ lyeth where a man gyueth landes to any church to finde for the soule of hym & his ācestours and his heyres, & candel or lampe before the Sacrament to burne for a certeyne tyme, or to do any almes, biz as to clothe or fede certeyne poore people euery yere, or to do diuyne seruice in any chappel for theyr soules. ꝛc. bt ✠. Thā yf the said charges be not done, and that a man may not fynde dystres vpon the grounde by two yeres, then he or his heires shal haue the sayd writ after the sayd. ii. yeres past, a

gainst

gaynst whosoeuer that is tenant after ꝑ Cessour. And note ye that these writtes aforsaid may be made in the Per, Cui, or Post but I beleue that thꝭ writ may not be made but in the fyrst degree. And the Proces as afore is sayd. Proces.

Addicion.

¶ In a Cessauit against a prest of a chaūtra, supposing that he holdeth the same tenementes of the wyfe of the demaūdāt by the seruyces to syng euery sonday in the yere masse and matyns, ꝭ that he ꝭ all his predecessours hathe holden the sayde tenementes by such seruyces, tyme out. &c the whych landes to them ought reuert, for that, that he hath cessed by .ii. peres, ꝭ for that, that the statut is, quod cōpetat accio donatori aut eius heredi, ꝭ that he hath not declared that it was donour, or of whose gyfte he holdeth the lande, the writ was abated. xv. vii. R.ii.

☞ A writ de contra formā collationes.

Rex vic, salutem, precipe A, abbati de N, quod rc, reddat B, anū mess, cū ptiñ in P, q̄ eidē dominꝭ collatū fuit in libā elemosinā per predict B, Et q̄ per alienacionē ꝑ predictum abbatem contra formam collationis predicte inde factam in feodo ad prefatum B, reuerti debet per formam collacionis predicte: vt dic Et nisi fec, vt supra: Teste, rc, A writte de Contra formā collatiōis is such

THys writ lyeth where a man gyu th landes or tenementes, or rēt

to

to any Abbot or prior of any house of re
ligon, or holy churche to haue and holde
to hym and to his successours in pure al-
mes or otherwyse to fynd certayn poore
people, or to make certayne deuyne serui
ce as afore is sayd in ỳ wryt of Cessauit
de cantaria, thā yf the sayd Abbot or pri-
or, or any of his successors make alea cce-
ment with assent of the sayd tenementes
to the dysheryson of the house or churche
as for terme of lyfe of the lesse, in tayl, or
in fee, he that so dyd gyue the sayd tene-
mentes or his heyre shall haue the sayde
wryt agaynst the successour of the sayd
house or churche that made ỳ feoffement,
or agaynst his successour, yf the feoffour
be deed, & not agaynst ỳ feoffe that is te-
nānt of the lande, as it appereth by ỳ sta
tute of Westm. 2. Capi. 41. which begyn-
neth, Cum statuit dominus rex. &c. & whā
he hath recouered agaynst the abbot, thā
shal go a wryt of Execucion to ỳ shyryf
to delyuer seysen of the lānde. And the
proces, Proces is Somons, graunde Cape, and
petet Cape.

¶ Addicion.

v. fol. xliii. ☞ Note ye: that yf auowson be gyuē to
an Abbot in fee almes, & graunt the sayd
auowson, at the next auoydance the do-
nour or his heyres may present, for that
that he maye not haue a Contra formam
collationis

collationis.

And not per that when he hath recouered agaynst an Abbot in thys wryt, & hath a Scire facias agaynst the tenant, he may trauers the accion of the demaundant in the same point þ was tried afore betwyxt the Abbot & the lord, for that, þ this recouere bindeth no straungers but preuyes, as in other cases. xxxiii E iii

☞ A wryt de forma donationis in the discendre.

A wryt de formadonacionis en le discēdre, is suche:

REx vic. salutem. Precipe A. quod iuste. &c. reddat B. vnum mess. cum pertiñ in N. q̄ C. debet B. et E. vxori eius et heredib⁹ de corporibus ipsorum B. et E. exeuntibus. Et quod post mortem dictorum B. et E. prefato B. filio et heredi predictorum B. et E. per formam donationis predicte discendere debet. Et nisi fecerit. &c. Teste. &c.

THys wryt lyeth in case wher a mā gyueth certeyne lands or tenemētes, or rent in free mariage, that is to say to a mā with his cosin in mariage or to a man & his wyfe & to the heyres of theyr. ii. bodyes begotten, or to a mā & to hys heyres of hys body begotten (males or females) if that mā or woman to whō the land is so gyuē hath yssue of hys body & dyed, & a straūger abate, or yf þ done make a feoffement of those lādes by fyne or without fyne, or yf he be dysseysed of those tenementes, or yf a mā those recouer by defaute in the kaynges court, than

xxx 2: sine assensu dedit?

after the death of the same mā to whō ꝑ
land is gyuen, hys heyre of hys body be-
gotten shal haue the sayd writ. And note
per that tenementes in such maner gyuē
are called tayled lādes. And note ye, that
the heyre of suche tenauntes shall neuer
haue other wryt of the possessyon of hys
auncestour, thā the sayd wryt, but of his
owne possessyon, he maye haue assyse of
Nouel diss. or a wryt of Entre vpō disseis-
son accordyng to hys case, & the Formeꝺ
in the discendre is the wryt of Ryght to
the heyre in tayle. And note per that it is
a good barre in the said writ to plead the
feoffement of the ancestour wyth a war
ranty, & that the tenant wyl auer that ꝑ
heyre hath assez by dyscent in fee symple
natwstandyng the statute of Westm. 2.
Cap. 1. which begynneth. In primis de te
nementis. &c. yf the heyre in ꝑ tayle hath
assez by discēt be supra, & he hath yssue &
make a feoffement of the assez that is in
fee simple, & died though that his father
had assez by discēt and was barred, thys
heyre shal not be barred, for euery heyre
in the tayle is pryue to recouer the lande
tayled except that he hath aduantage by
discēt in fee symple. Otherwyse is when
a man maketh a feoffement of the land ꝑ
he hath in ryght of his wyfe in fee sym-
ple that he holdeth by ꝑ courtesy & dyeth,

and

and haue in fee ſimple diſcendeth to his yſſue that is heyre to the wyfe, though ꝑ the heyre ſell the fee ſiple after, & hath iſſue and dyed, that iſſue ſhalbe barred to demaunde of the ſeyſō of his mother: for that, ꝑ his father was barred at on time And note pe, that yf the father remaūt in tayle in poſſeſſyon entre in relygion and be profeſſed, his heyre ſhal haue ꝑ ſayd writ, & ſhal ſay thus: Dom. ꝙ pat ſuus habitū religionis aſſūpſit, &c. But yf ꝑ father make a feoffement afore the entre in religion, ꝑ ſonne ſhall not haue ꝑ ſaid writ durynge the naturall lyfe of his father. And it is ſayd that yf ꝑ tenaunt in the tayle dye wythout yſſue of his bodye ſo the lande is reuerſyble to the donour, yet the wyfe of the tenaunt in tayle ſhal haue her dower. Alſo it is ſaid if lāde be gyuen to a woman & to her heyres males of her body begottē, if ſhe take a huſbād and hath yſſue female, & the wife die the huſbande ſhall not holde by courteſy for that, that it is impoſyble that the yſſue female ſhal enherytē, but yf lāde begynne to aman & to his heyres males, it is ſayd that yf he hath yſſue males dyeth ꝑ yſſue hath fee ſymple. And note that a man ſhall lay the tayntge of the profites in a forme don in the diſcender onely in the ꝑſon of him to whom the lande is gyuen

in the tayle, & the demaundant in this action shal make him selfe heire to the ancestour that was last seysed. And note ye that if ꝑ tenant in taile hath issue a sone & a daughter by one woman & a son by another woman, & dyeth the son by the fyrst woman entreth & dyeth seysen, the sonne by the secõd woman shal enherite and not the doughter, for he is more worthy of blode, & more nere heyre to the father to whõ the lande was gyuen, otherwyse is of lande in fee symple. And note yt: howe the demandant may maintaine the sayd wryt wher the tenant pleadeth that the donor did not gyue. &c, the demaundant may say that he shal not haue his auerment, for one J. S. impleded my father, & he vouched the same J. and entred into the warrantie, & pleded & lost ꝑ same lynde that nowe is in demaunde in gement. &c. And note ye: that in a formõ in the discender a warrant of anye of the ancestours by whom the heyre made his conuenance is no barre, except ꝑ he hath lande in fee symple discended to ꝑ value.

¶ Addicion.

P. viii. C, iii. ¶ Lande was let for terme of lyfe, the remaynder in tayle, the tenant for terme of lyfe dyeth, & the tenant in tail & hath issue and dyeth, & the issue bringeth a formõ in the discender, & allegeth no eiplees in the

donour

donour, but in the tenaunt for terme of lyfe, & after his deth in him in ꝑ remainder in taile, & the declaracyon was chalenged, for ꝑ, that he alleged no cipies in the donour, & ꝑ exceptiõ was not alowed

¶ Tenant in tayle exchanged the lande tayled for lande in fee simple (by dede) & bounde him & his heyres to warranty, & hath issue & dyeth, & the issue bryngeth a Formedon & the tenant pleadeth in barre the dede with warranty, & the land take in exchaunge by way of assise, ꝑ was holden no barre, yf the heyre hath not occupyed the lande taken in exchaunge after the death of his auncestour. An. xviii. ꝑ. vi.

¶ The tenant in tayle afore the statute made a release for terme of lyfe, & released afore the stat that is a barre to his heire ꝑ. xliiii. E. iii.

¶ In a Formedon of rent, the warrãt of the ancestour with assets is a good barre, yet the rent lyeth not in discontinuance but at the wyl of the issue but it is ꝑ holy of the issue to bryng his action. ꝑ. xxxiii. E. iii.

☞ Note yet that yf the wyfe tenant in tayle take a husbande, and hath issue and afore the statute they both make a fooffement in fee of the landes and dye in a Formedon the heyre shall not be barred, otherwyse is yf it had ben by fyne. ꝑ. liii. E. ii.

¶ A Formed. in ꝑ discender was brought of a knyghtes fee, & the wrytt was chalen-

ged, for that, that the fee lyeth not in demeane, for he hath declared that the auncestour was seysyd as of fee & of right, & layd the esples, as in homage, esquage, releef, warde, mariage and other maner of pfiues of knyghtes fee, as of fee & of right and therfore layd that a comon toy certayn nombre of beastes uor auowsō lyeth not in demeane but a p̄cipe p̄ reddar, and a writ of Right lyeth of a knyghtes fee, & by demaūde of a knights fee I shal recouer by chalice. xx. l. of rēt &c. I. it was layd ꝑ he shal neuer haue other writ.

An. xix. E. ii ¶ In a Formedon the writ was chalenged, for that, that it wyl that A. & B. hys wyfe hath gyuē, exception was take, by cause that the gyfte of the wyfe is voyd durynge the mariage. & Herle layd that yf the wyfe after ꝑ death of the husbāde had confirmed the gyfte ꝑ was made by her and her husbande, than the gyft was made stable, and ꝑ writ was awarded good. In Formedon war bē̄ket qy I. B. and A. hys wyfe, as war layde whā the issues sholde after the deth of his father the writ shalde. Et qua post mortem p̄dictorū I. et W. fil' & hered' p̄dicti I. defato. B. &c. so ꝑ they are seysed euery one shalbe made heyr to other, but whā they wer not seysed ubye writ shalbe. Et qua post mortē p̄dictorū I. et W. filie.

In

In a formedon in the discender by assent of the parties a dede was shewed to proue the gyft, & it was such Sciant. &c. q ego hugo Bigot dedi concess. &c. hugoni B. filius Hugonis B. & filis suis masculis de corpore suo legittime procreatis manerium de B. &c. habend & tenend manerium predictum sibi, & filiis suis masculis de corpore. &c. de capitalibus dnis. &c. Et q cum ductus uxoret gaudebit in feodo & hereditate imppetuum. & si contingat pdict Hugonez sine herede masculo de corpore suo legittime procreato obiret qd certum manerium predict. &c. michi et heredi meis reuertatur imperpetuum, & vppon this deede it was demurred in iugement if the done hath fee simple, or fee taile, & the opynion of the court was that it was a good tayle.

T.tit. R.ii.

¶ A wryt de Forma donationis in the remaynder.

A wryte de forma donationis in the remainder is such.

Rex vic, salute, precipe A, q te reddat B, vnum mess, cum ptin in N q E, debit W, & heredib de corpore suo exeunt, Ita q si idem W. sine heredib de corpore suo exeuntib obiret diedict mess. prefat B. et heredi suis remaneret. Et post mortem predicti W, prefato, B, remanere debet ex forma donationis predict q eo dictus W, obiit sine heredum de corpore suo exentib: vt dic, Et ni fecerit &c, Teste, &c,

This wryt lyeth where land or tenement is gyuen for terme of lyfe or in taile to a man, & for defaut of

yſſue of hys body to remayne to another man, as afore is ſayd, in fee, or for terme of lyfe, thā yf ỳ tenaunt for terme of lyfe dye, or the tenaunt in tayle dye wythout yſſue of hys body, & a ſtraunger entre he in the remaynder ſhal haue the ſayd writ And in caſe that the remaynder be graūted in tayle & he in the remaynder dyeth ſeyſed by force of the remaynder, ỳ yſſue of hym in the remaynder ſhal haue no other wryt but a wryt of Formedō in the diſcēder, but yf he in the remaynder was neuer ſeiſed, the iſſue ſhal haue a Formedō in the remaynder & not in the dyſcender. And it is ſayd where land is let for term of lyfe, the remaynder ouer, and ỳ tenaūt for terme of lyfe is impleaded, & bouche to warrant hys leſſour, &c. & the tenaunt for terme of lyfe recouer other lande in value, he in the remaynder after ỳ death of the tenaunt for terme of lyfe ſhal recouer by a Formedon in ỳ remaynder thoſe landes ſo recouered, as well as yf the tenaunt for terme of lyfe had cōtynued his eſtate in thoſe landes recouered agaynſt hym, for that, that the tenāt for terme of lyfe recouered to ỳ value by ỳ ſame tayle vpon wych the remaynder was tayled. Otherwyſe is of a reuercyon, for that, ỳ he hath recouered vpon another dede thā vpon ỳ dede by which the reuertion was

graunted

graunted, & that tenãt had vouched him to whom the reuercõ was graũted, bycause of the reuercyon, & he had vouched ouer the lessour, & had recouered to the value, the reuercion shalbe to him to whõ the reuercion was graũted & not to lessour. And note ye: þ yf tenaunt in taile make a feoffement with a warrant, or release with a warãt, & dye wbout heyre of his body, so that he in the remainder his heyre to hym, he shalbe barred wythoute dilcõt of assez, for that, that this warrãt is not restreyned by the statute. And yf þ tenaunt for terme of lyfe make a feoffement wyth warrãt or release with warraut, & dye wythout yssue, so that he in þ remaynder is heyre to hym, in a Formedon in the remainder he shalbe barred by the dede wyth warranta, except that the warranty be defeted in the lyfe of the tenaunt for terme of lyfe.

☞ And note ye: that after the view the tenaunt shalbe receyued in a Formedon in the remaynder to demaunde what he hath in the remaynder, & except that he hath wrytynge to shewe, all tymes hangynge the plee he shalbe barred, & yet the tenant may take no ayde vpon the dede but ought to answer to the gyft, & if the sayd wryt be brought by him to whom þ remaynder was tailed after the death of

Notes.

the tenant for terme of lyfe, yͤ he demaũd hae symple, or fee tayle, he ought to lay yͤ esples in the pson of the donour, as of fee symple, & in the person of the tenant for terme of lyfe as of freehold, but if he demaunde by remaynder, but for terme of lyfe he shall lay the esples onely in the pson of hym that made the dede.

Addicion.

y.xxix.y.vi ☞ If the remaynder be tayled to a woman, & she take a husband, the wyfe shall be; Remancre debet, to the husband, & to the wyfe, & so is of a Formedon in the reuertour, but in a Formedon in the discend̄r it shalbe to the wyfe onely.

y.f. f.iii. ¶ In a Formedon in the remaynder, the tenant demaunded what he had of the remaynder, & so yͤ other sayd yͤ he brought assise of Mouel dill. of the same landes, & the tenaunt in the assyse pleded in barre, and he made tytle of the same gyft, and yͤ gyfte was founde, the demaundant was iudged pson able by yͤ recouere to mayntayne this accyon wout shewynge other ded, & yet the pleyntyfe tooke nothynge by the assyse, for that, that it was found that the pleyntyf was not disseysed.

Au.xxxvi. y.vi. ☞ In a formedō in the remaynder, the pty nede not shewe no dede vnto the parfye demaunde what he hath of yͤ remainder, but yͤ executours bringe an accyon

they

they ought to shewe the testament wout delyre of the partye demaundant, for the court shall not holde plee, except that the testament be shewed, & that in deede.

¶ A writ de Forma donationis en le reuerter.

A writte de forma donationis en le reuertis in suche.

REx vic. salutē. Precip. A. q̄ &c. reddat B. vnū mes cum pertiñ in N. q̄s Pater p̄dicti B. cuius heres ipse est dedit D. & J. vxori eius, & here dū de corporib⁹ suis exeunt. Et q̄ post mortē ipsorū D. & J. ad p̄fat B. renert debet per formā donationis p̄dict eo q̄ p̄dict D. et J. obierūt sin̄ heredib⁹ de corporib⁹ suis exeunt vt pit̄, Et nisi fecerit. &c. Teste. &c.

THys writ lyeth wher lands or tenemētes are giuen in the tayle as afore is sayd, yt the tenant dye without yssue where there is no remaynder, and a straūger entre in the sayd tenemētes, the donour or his heire shal haue his recouere by thys writ. And note yet that this writ lyeth after the death of no tenaunt, but after the death of tenaunt in tayle. And note yet that in thys writ the esples shalbe layde in the person of ỹ donour, & in the person of the done. And the proces in these. iii. writtes is Somons graunde Cape and petit Cape. proces.

Addition.

¶ In a Formedon in ỹ reuerter the tenant sayd, that the gift was made to the done & to hys heyres, & assygnes iudge- T. li. v. vi.

ment of the action, & that was holden no plee wythout trauerlyng the gyft.

T.xvii.E.iii. B.xxxiii. E.iii. In a formedō in the reuerter, the tenant sayd that ꝑ gyft was made to him: to whom ye suppose the gyft in fee wyth warrant iugement if cōtrary the dede. &c

B.xviii.E.ii. ☞ Note ye. that yf ꝑ donour hath yssue ii. sōnes, & the eldest sōne dye woue yssue in the life of the father & after the father dyeth, yf the yongest sonne bryng a formedon in the reuertour, he shal not make mencyon of hys brother, excepte that he survyued hys father.

A wryte de particione facienda is such.

☞ A wryt de ꝑticione facienda.

REX vic̄ salutē. Si A. fec̄. tunc sum̄. &c. B. q̄ sit &c. tal̄ die ostensū. Quare cū idē A. & B in simil̄ et ꝓ indiuiso tenēt quēdam boscum in N. cum ptin̄ de hereditat̄: que fuit Z. patris predictorū A. et B. ultus heredū ꝓxīt sunt in N. idē B. parutionē inde int eos fcōm legē & consuetud̄ regni nostr̄ Anglie faciēdam contradicit et eā fieri non permittit min⁹ iustis: vt dic̄. Et habeas ibi. &c. Teste. &c.

THys wryt lyeth in case wher a mā is seysed of landes & tenemētes in fee, & hath two doughtchs & dyeth. or seysed of lande in Gauelkynde & hath yssue. ii. sonnes & the one wyll not make ꝑticion of the landes so discended, the other that wyll make ꝑticion, shal haue this wryt agaynst her, or hym that wyll not, for that, that they are heyres to the sayd man iointly. &c

Addis

Addicion.

☞ In a Perticione faciēda agaynst T. and A. his wife of land that discended to thē as cosyns & heyres to one R. ỳ tenāt sayd that R. in hys lyfe infeoffed one J. in fee, whych J. infeoffed the sayde T. in tayle without that, that the pleyntyfe, & A. wyfe of the sayd T. helde in comon or vndeuided the day of the writ purchased or euer after, and thys is a good barre. 22.h.vi.pl.vi.

☞ In a Perticione faciēda of land and rent, the tenaunt sayd that the aūcestour enfeoffed a straunger of the land whose estate ỳ tenant hath, & as to ỳ rēt, he said that he was sole tenant, without that, ỳ he holdeth vndeuided, & the ple was challenged in so muche that he is no tytle to the lande by anye feoffement nor other tytle and whē intended tenaunt as the writ supposeth, & the oppynīō was that the plee is good. 22.h.vi.pl.viii

☞ Note ye: that it is said, that tenaunt in comon ne ioyntenaunt shall not be cōpelled by the law to make partition, but yf it be made by agrement it is good as wel wythout dede as wyth dede. 22.h.vi.pl.xiii.

☞ A writ of Perticiōe faciēdū brought by the husbande & the wyfe agaynst the other percener, & declared how the husbande & the wife as in the ryght of the wyfe p.viii, E, iii.

wyfe, & the other percuer helde in comon certeyne landes conueyed the diſcent frō the comon auncеſtour, &c. the prener tāt by Cardeyn: for that, that ſhe was with in age, & myght not deny that they helde in comon by the manr but Herle ſayd, þ he could not ſe þ w the particiō can bee made long as ſhe is wythin age by wryt but out of the court it may well be as in the countre: for that, that ſhe may defeat it when ſhe wyll.

☞ A wryt de Premunire facias.

A wryte de premunire facias is ſuch.

Rex vic Cantuar ſalutē. Cū in ſtatuto inqarli amēto dñi regis Anglie ſcdo apud W. intō. Anno regni ſui. 16. tento edito inter ceters ordinatū ſit & ſtabilitū: q ſi aliquis impe trauerit aut pſecutus fuerit ſeu impetrari vel pſe qui fecerit in Cur Rom vel alibi aliquos pceſſus ſuias, excōmunicatiodū bullas inſtrumenta, vel alia quecunq que tanguūt noa coronā regaliā, ſeu regnū noſtrū et illi qui ea in dictum Regnū noſtrū de tulerit aut ea receperit, vel inde notificationē, ſeu aliā executionē quācūq infra idē regnū noſtrū ſeu extra fecerint: ipſi notari, procuratores, manntētores abiectores fautores, & conſiliarii ſui extra ptectionē nrā ponant: et terre tenemēta bona et catalla ſua ſint nobis forifā: et q ipſi p corpa ſua attachientur ſi poterint inueniri, & corā nobis et concilio noſtro ducātur ad reſpōdēdū ibidē ſuper caſibus ſupradictis vel pceſſus fiat verſus eos per Premunir fac. modo quo ordinatū eſt in aliis ſtatutis de pviſionibus et aliis q in aliens cur in derogationē regie noſtre & equitur prout in ſtatuto p̄dicto plenius cōtineť. Jā-

quier grauī

ꝑ grauā querela W. de E. accepimus, ꝙ licet cognitiones plitorū transgressionū temptuū aliorūq; laicorū cōtrabtū quorū cunq; infra R. nostrū Anglie quālitercunq; fact & ꝓpetrat ad nos, coronā & dignitatē nr̄as specialiter ā tineant. Quidē tamē Robertus C. nup de W. in cōm tuo statutum p̄dictū mnume ponderans machinās nos et coronā nostrā erheredaf et cognitionē hniōi plitorū transgressionibus que ad nos et coronā nostrā sic ptinēt ad illud examen extra regnū nostrū p̄dictū trahere et predictū W. ac alios de subditis nostris indebite pregrauare & aduersus curiam Rom̄ se diuertē bat, et ibidē absq; licētia nr̄a ad huc residat ꝙ ꝙ plures ꝓcessus sententias & citationes versus ipsum W. ad ipsum W. ac alios de subditis nostris p̄dictis extra f. uostrū p̄dictū trahendum ad rēspondē prefatō preposito indicā cuf Rom̄ extra Regnū nr̄ Anglie de quibusdā transgr ubi vt dic̄ illatis ac quam plura alia nobis & corone nr̄e preiudici alia ibidem prosecutus fuit eaq; ꝓ J. R. nup de E. Sent apud W. pronunciari, publicari, notificari & execuē de mandari fecit et fieri procurauit in nr̄i contemptum et preiudiciū et erheredationes corone nr̄e pculū manifestum, et ipsius W. damnum non modicum & grauamē ac contra vim formam & effectum statuti p̄dicti. Nos statū illud inuiolabit obseruari, et illud impugnantes iuxta eorum demerita castigari volentes & puniri, Et quia p̄dict W. fecit nos secuf de clam suo proē p A. B. C. D. de F. tibi p̄cipimus ꝙ ꝓ bonos & leg. hoēs de ballliua tua p̄remunire fac̄ prefat ꝓpositt et J. R. procuratorem, manutentorem fautorem, consiliarū auxiliatorem, & abiectatorem ipsius ꝓpositi in hac parte: quod tunc sine cora nobis a die pascha in. xv. die-

bus vbicūq; tūc fuerimus in Anglia ad respō-
dum tam nobis de contēptu & p̄iudicio p̄dicto
q̄ p̄fato W. de dampnis & iniurijs sibi in hac
parte illatis. Et ad faciendū vlterius et recipi-
cnō q̄ cur nostra consideraī in p̄missis Et ha-
beas ibi nomina eorū: & quos eos p̄munif fac
& hoc breue, nos de die & loco quibus dictābre
munitionē sibi feceris sub sigillo tuo distincte
& aperte tūc certificans. &c. Teste. &c.

THys wryt lyeth where any prouy
sour sueth prores to the courte of
Rome agaynst the p̄sēt of ꝑ kyng
or of any other patron, than the presente
of the kyng, or other patrō shal haue this
wryt which shalbe directed to the shyrif
cōmaundynge hym to warne the prouy-
sur, that he destrube not the p̄sent of the
kynge, or of any other parson. Also these
prouisours, procuratours & notaries shal
be attached by theyr bodies, & put in pri-
son vnto such tyme that they haue made
fyne & raūsome to the kynge, & gre to the
ptie. And after that they haue made raū-
some, & gre yet afore that they be delue-
red they shal fynde suerte that they shal
not sue by thē selfe ne by other in ꝑ court
of Rome ne other places for suche impri-
sonment, & raunsome. And if those prou-
sours attornes, executours, procuratours
notaries may not be founde, then the ex-
igēt shalbe awarded against thē & a wryt

shal

shal go to take they? bodyes alwel at the suyt of the partie as of the kyng, & in the meane tyme the kyng shal haue the pro-fytes of the sayd benefyce so by such pa-uylours occupyed except of abbeyes, pry-ours, and other houses that hath colege, or couent. And that is gyuen by the sta-tute de An. 20. E. 3. in the myddes. Loke more of this matter in the laste chappter of the same yere. And also in the. 27. yere of the same kynge.

Action.

☞ Note ye: ꝑ a Quare impedit bronght by the kyng, & he declared that the defe-dant him disturbed by prouision sued to the court of Rome, & are at issue vpō that poynt, and founde for the kynge, yet the iugement shal not be gyuen accordynge to the statute, nor the ptie shall not haue the payne that is gyuen by ꝑ statut, but it is greate euydence in the other wryt brought vpon the statute. ꝑ.M. ꝑ.Vi.

☞ Note ye: by the opinion of many a man may haue this wryt agaynst one, as procurapour agaynst another as coun-cellour, and agaynst the thyrde attorney and the damages shalbe tart seuerally. ꝑ.xxxvi. ꝑ.vi.

☞ In this wryte some made defaut, & some appered: and for that, that ꝑ wryte was nought it was abated, and no iuge-mene xv.V. E.iii.

ment grut agaynst the that made defaut And the statute is in curia Rom̃ dcl̃ alibi, the whych alibi is to entende in the bysshoppes court, for if a man be sued there for a thyng that belongeth to the comon law, he shal haue a Premunire.

p.tr. E.iiii. And note ye that it hath bene oppynion of manye, that yf a clerke sue another clerke, or other man in the courte of Rome of a thyng spirituall whet he maye haue remedy of that in hys ordynaryes court & in the realme, that is wythin the statute, but I beleue that it is no lawe. If a lorde in courte baron holde plee of dette of. xl s. or aboue whych oughte not to be demaunded but in the kynges court, it is sayde that the lorde shalbe in case of a Premunire.

¶ A wryt de Quare ei deforc̃.

A wryt de quare ei deforc̃ is such

Rex vic. salutẽ precipe A. q̃ tc. reddã B, vnã mesu. cũ ptiñ in N. qꝰ clamat esse ius de rationabili dote sua vel q̃ clamat esse ius ad maritagiũ suũ: vel q̃ e amat tenere sibi et heredi de corpore suo exeunt: vel q̃ clamat tenere ad terminũ vite sue & q̃ ip̃ A. ei deforc̃. Et nisi. tc. nõ dicat iniuste deforceat, quar le iniuste non habetur in statuto. Nota q̃ p̃ tenere per legẽ Angle nõ cõtinet hic in statuto sicut alibi potest manutere q̃ illud statutũ in consimili casu.

THys wryt lye, yf wyfes tenaunt in tayle, franke mariage, dower, courtesy, tenaunt for terme of lyfe, for terme of another mans lyfe loseth by defaut

faut theyr landes, then them selues shal haue this writ agaynst him that recouered, or against his heire, or against what person so euer be in the tenancie. And note ye that this writ in his nature is a writ of Ryght for the foresayd tenauntes, for a writ of more hye nature then this may they not haue for theyr tenements. And note ye: that this writ lyeth for no other person but for him that lost the sayd lãdes And is gyuen by the statute of Westm. 2. Cap. 3. in the ende: And the Proces is so mons graunde Cape, and petit Cape. proces. ẽ

¶ Addition.

☞ Note ye that vpon a recouere by default in a writ of wast a mã dekore, lieth not but a writ of Disceyt. C. xxi. b. vi

☞ If landes be let to a woman sole for terme of lyfe with warrãtie & she taketh a husband & they lose by default, a quod ei dekore. lyeth not durynge the lyfe of the husbande, for the writ supposeth ẏ they haue lost wher the husbãd hath nothing but by reason of his wyfe so was not the tenant for terme of lyfe, & also they shall not haue the voucher, for the writ supposeth quod clamat ad vitã of the wyfe, in whiche case the statute gyueth no suche vouches but where the tenaunt by courtesy, in taile, or for terme of lyfe lose. &c. and the husband is none of those. But W. iiii. E. iii.

in thys case the wyte shal haue a Cui in vita after the death of the husbande, but yf they had had a ioynt estate, than the Quod ei deforceat lyeth.

W.xlvi.E.iii. A man hath issue .ii. sones, & is seysed of lande tayled in Gauelkinde that is yt able betwixt heires males & dieth, & they entre and lose by default, they shal ioyne in a Quod ei deforceat, and the wryt shalbe, quod clamat tenere sibi & heredibus de corporibus eorum. &c. And yet it is impossyble þthey shal haue issue betwyxt them.

W.xxix.E.iii. ☞ And note yet that the demaundāt shal not declare of whose gyft nor the tenant shal not haue hearyng of the record, yf a man recouer by default in a Scire fac. But of a fyne agaynst tenant in tayle, and he brought a Quod ei deforceat, and the other mayntayned the tytle of his first wryt, þ tenaunt in tayle may vouche, & yet in the Scire facias nisi, no voucher lyeth. &c.

A wryt de warrantia carte.

A wryte de warrantia carte is such.

REX vic. salutē. Prec. A. q iuste &c. warrantiz et A. vnū mess. cum pitū in C. q de eo tenet clamat & vnde cartā suā habet vt dicit vel sic vnde cartā C. patris mis, fratris, forors: et sic de singulis cuius heres ipse est: vt dic. &c.

THys wryt lieth wher a man hath enfeoffed me in certayne landes or tenementes with clause of warrātye. releaseth, or confirmeth my estate wt clause of warranty, & the tenuunt is impleadded

pleaded of the same landes, or tenemētes of a straunger, than yf the tenaunt maye not vouche to warranty, he shal haue the sayd writ against his feoffer or his heyr. And note ye: that if this plee be not begō during the fyrst accyon, the tenaūt shall be barred for euer to haue his writ, Quere. And the proces is in thys wyse Sōmons, Attachement & dystres infinite, & yf he come & pleade, & after make defaut, than shall go the graunde dystres in the place of the petit Cape. proces.

Addicion.

¶ In a writ of Warrāt of Chartours, ỹ pleyntyfe declared that ỹ defendant hym enfeoffed, & that he was impleaded, & he prayed the defēdant to warrant, &c. And the defendant sayd that ỹ pleyntyfe was not tenāt the day of the writ purchased iudgement. &c. And the pleyntyfe sayd ỹ he is tenant of the lande, & hath the dede of the defendant, & that was alowed, but he was cōpelled to sai that he was tenāt the day of the writ purchased. &c. But yf he had sayd at the first, ỹ he was tenant by his warrant the day of hys writ purchased, that had ben very good to dereyngne the warranty. T.iii. T.iiii.

¶ If a mā recouer a warranty by a writ of Warrant of Chartours, & after he is impleaded in such an action that he may

bouche, yf he beuthe not he shal not recouer in value by force of ꝓ darreynment of the warrant, for it was sayd, that yf tenaunte in tayle of rent charge releſſe the rent to the tenaunt of the lande, and the tenaunt make a feoffement of the lande with a warrant, the warrant extendeth to the rent: for that, that the tenant was leyſed of the land dyſcharged.

☞ A wryt de Diem clauſit extremum.

A wryte de Diem clauſit extremũ is ſuch.

REX dilitio et fideli ſuo B. eſcat tor ſuo in coñ L. ſalutẽ. Quia A. de B. que de nobis tenuit in capite Diẽ clauſit extremũ: vt accipimus: vobis mãdamus: q̃ oĩa terr̃ t teñ de quibus idẽ A. de B. fuit ſeſitus in dominico ſuo vt de feodo in ballíua tua die quo obiit ſine dilaẽ capias in manum nr̃ã, et ea tibi ſaluo cuſtodir̃ fac: donec alid tibi mãdam⁹ t per ſcrĩm ꝓbor̃ et legal̃ hominũ de ballíua tua p quos rei veritas melius ſciri poterit diligenter: in quiras quant terr̃ et teñ iõ A. de B. de nobis tenuit in capite tã in dñico q̃ in ſeruic. in dictu ballíua tua diẽ quo obiit et quantum de aliis, et p q̃ ſeruiũ, t quantum terre t teñ illa valeant p annũ in omnibus exitibus t quo die idem A. obiit, et quis propinquior heres eius ſit t cuius etatis. Et inquiſic̃ inde diſtincte t aperte fac̃ nobis in cancellar̃ noſtra ſub ſigillo tuo et ſigillo eorum per quos fac̃ fuerit ſine dilacõe mittas: et hoc br̃e. T. ꝛc.

THys wryte lyeth by the ſtatute of Marl. Cap. 16. which begynneth. Si aliquis heres, ꝛc. where a man hol-

holdeth hys land of the kynge as of hys crowne by knyghtes seruyce, & dyeth, he that is hys next heyre or any man for the kyng may sue this writ to the eschetour of the same countye where the lande lyeth and he shal enquyre who is his next heire the quantite of the landes, and the value in this writ is no proces, for it is but a writ of office.

¶ Addicion.

☞ Note yet that yf it be founde dyuers offices in dyuers countyes. s. in one countye that the heyre within age, in ỳ other county ỳ the heyre is of ful age, that, that is best for the kyng shalbe taken and the heyre shal haue no trauers to that. xv.rrrvii. h.vi.

¶ If a man holde of ỳ kynge by homage & fealte for al maner of seruyces & dyeth his heyre of ful age, I sue a Diē clausit extremū & it is founde afore the eschetour that he holdeth of hym by homage fealte and. xl. fi. yf he sue lyuere accordyng to ỳ enqst he shalbe cōcluded duryng hys lyfe xliiii, Li.aff.

¶ And note yet that there is fiue maners of enqueres ordeyned after ỳ deathe of ỳ kynges tenant. One is the Diem clausit extremū & that is imediate after ỳ death of the tenaunt. The second is Melius inquirendo, & that is where the eschetour or the tenaunt in the Diem clausit extremū dyeth, or where the Diem clausit ex- An.xii h.vii

tremum is not retourned. The thyrde is Que plura, and that is where any lande is let out. The fourthe is Deuenerunt, & that is where the warde dyeth. The fyfte is Mãdamus, and that is after the yere.

A wryt de Etate pbãda is such.

☞ A wryt de Etate probanda.

REX escatori suo in com̃ D. salut̃. Quia W. de B. filius A. de B. que de castr̃ nostro de R. tenuit p̃ seruic̃ militis dicat se plene etatis esse & pet̃ a nobis terras & teñ suo, que fuit de hered̃ suam ibi reddi: per q̃ volumus q̃ idē W. apud C. nat⁹ et in eccl̃ia eiusdē ville baptizatis fuit: vt dic̃ etatē suã pbet coram te tibi p̃cipimus q̃ ad certos diē & locum quos ad hoc prouideris pbationē illã p̃ sacr̃m tũ militũ q̃ aliorũ pborũ & legal̃ hoñm de balliua tua per quos pbatio illa capi veritas etat̃ p̃dict̃ melius scirī potef & inqri capias, & pbationes illã sic capt̃ nobis sub sigill̃ tuo & sigill̃ eorum p̃ quos capt̃ fuerit sñ dilatiõe mitt̃, & hoc bre. &c

THys wryt lyeth wher the heyre of the kynges tenaũte by the wryt ayoz̃ese ayde is founde within age, & whan he cometh to hys full age he shall haue this wryt wherby he shal proue his ful age, & this wryt hath no proces for̃ þ that it is a wryt of offyce. And note yet̃ tho se of the chaũcery holdeth for lawe, þ yf the heyre sue his landes out of the kinges handes, which was seyſed by reason of his nonage, þ he ought sue thys wryt in euery connty where þ he is foũd w̃in age, as it appereth, E. 20. E. 3. And note

yet̃

ye: that euery one that passeth in this enquest shalbe of the age of .xl. yere at the least, so that he was of full age at ỳ tyme that he sueth the wryt was borne.

☞ A wryt de Quo minus.

A wryte de Quo minus is such.

REX vic̃ salutem. p̃ec. tibi q̃ nō permittas B fac. vastum seu distructionē in vasto ipsius B. in N. quo minus A. rationabile estouarū suū in vaste illo habere possit, sicut illud habere debet & solet, vt dic. et sicut rationabilit. &c. Ne amplius inde clamor auō p̃o defectu iustitie, Teste, &c,

THys wryt lyeth wher a man hath graunted to another Hulbote or Haybote in hys woods to take euery yere, & he that graunted may not haue his reasonable Estouers, than the graūt shal haue this wryt, and it is the nature of a wrytte of Waste: And the Proces is Attachement and a dystres peremtorye.

☞ Note ye: that Hulbote is called certaine Estouers in another mans woddes to amende a houle. And Heybote is called certeyne Estouers to amende hedges

☞ A wryt de Ad q̃d dampnum.

A wrytte of ad ỳ dampnū is such.

REX tali escaetori talis com̃ precipimus tibi quod per sc̃m proborum et legalium hominum de balliua tua, per quos rei veritas melius scire poterit diligenter inquiras si sit dāpnum vel p̃eiudicium nostrum vel aliorum, si concedamus dilecto nobis in Chriſte nostro et fratribus sancti Johānis Jer'lm in Anglia ỳ ipse vnum tostū cū ptiñ in N, p̃ feoffementū

J.e vnā acrā terre cū ptiñ in W. p̄ feoffem&t̄ B.que eidē nūc et hēs de p̄dictis J.et B. post stat de hīs et tenītis ad manum mortuā nō po nend edit adquesierunt,et que occasione eiusdem statuti nostri cepistis in manum nostram tenere posuit eisdem magistros t ffribus et succ.suis imperpetuum iuxta formam feoffamentorum p̄dictorum,nec ne si sit ad dampnū vel p̄iudicium nr̄m vel aliorum et quorū qualit̄ et quomodo,et de cuius feodo tenū illud t terra sunt,de qua vel quibus teneant: et per q̄ seruic.et quantum valent per annū in omnibus exit.Et si terre et tenem̄ta predictorum J. et B.si remanent vltra predicta terras et tenta W̄o et ffribus p̄dictis sic adquesit suffic.ad seruic.et constet tam de p̄dictis tenemētis sic adq̄sit quam de tenūtis predictus J.t B.retent debit fac.t ad omnia alia enormia,tc.Et quod eidem J.et B.in assisa.tc.p vt añ feoffament p̄dictū poni consueuerunt.Ita q̄ prima p feoffamenta illa in ipsorum J.t C. defectum magis solito onerent sue grauent,et inquis inde distincte t apte facta nobis in canc.nostra sub sigillo tuo et sigillis eorū p̄ quos facta fuerit sine dilatione mittas.Et hoc breue.Teste.tc.

THys wryt lyeth where a man selleth or gyueth land or tenement to any house of religiꝰ in mortmain, at the begynnynge it is conuenient that this wryt be sent to the eschetour of the same countye where these landes,or tenementes are,to enquere the extent of the landes,and what p̄iudice shalbe to the kyng,& to the chyef lorde,yf they be sold to mortmaine. And whan the Eschetour hath enquered these poyntes & other cir-

eſtaunces cõprysed in the wryt, he shal retourne ꝑ wryt according as it is found by the enquest, & after that, he shal make fyne to the kynge for the alyenacion of ꝑ landes & tenementes. And than he shall haue a Chartour of lycence. For the statute de religiosis: wyll that no man shal sel landes or tenementes to mortmayne, ne no mã shal take landes in such maner and yf he do the lande shalbe seised in the kynges hande, as eschcyt. Et vide Magna Cart. Cap. 36. which begynneth. Nõ liceat alieni, &c. And the stat of West. 2. Cap. 32. Which begynneth. Cum viri religiosi. &c.

☞ A wryt de Quo warranto.

A wrytte of Quowarrãte is such.

REX vic. salutẽ. Sum ꝑ bonos sum̃ A. q sit coram Justic. nris apd westm̃ tali die ostensũ quo warrãto tenet visũ frãci plegii in villa de R. in preiudiciũ hundredi nri de A. sine licẽtia et voluntate nra vel ꝓdecessorũ nrorũ quondã regũ Anglie: et emẽdas ꝑ trãsgr assise panis et seruicie in eadẽ cepit in ꝓiudicium nrũ non modicum. et grauamen: vt dic. Et habeas ibi sum̃, et hoc breue. Teste. &c.

THys wryt lieth wher a man vsurpeth certeyn fraunchesses agaynst the king, as to haue wayfe, straiff market, fayre, court baron, or other such lyke wout good tytle, & without the kynges lycence, and that be presented afore ꝑ Justices of Eyre, when they are in those

parties where such traunches are vsurped, then shal go the forelayd writ for ỹ kynge to the shyryfe, that he cause hi to come that hath vsurped the tranches, at a certayne daye afore the same Justices and yf he may not shew a good warrant or that he come not, then the kynge shal take frō him his trāchesses. And note ye that this wryt may not be determined afore any Justyce, but the Justice in Eire and no proces lyeth in this wryt but he shalbe warned vpon his paryl.

Addicion.

V.Viii. v.liii ☞ Note ye yt the kynge graunt to any man fraūches to haue a Gaole, if he wyl not make cost to haue deliuerance, but holdeth the people in prisō that are taks for suspect, the kyng hath cause to sease the fraunches in his hand thoughe he let within his frannches, so that he may enquere of such felones, he hath no power to delyuer thē, but they ought to be deliuered afore Justices of ỹ Gaole deliuere

A.xxii.li.af, plito.xxxiiii ☞ If a mā hath a market to hold euery weke of the fryday, & he holdeth the market both of the Fryday, & of the monday in this case nothynge shalbe forfayted, but that, that he hath vsurped, but yf a man hath a fayre to holde.iii. dayes. & he holde the fayre.iiii, dayes he shall forfayt

all

al for that, that he hath misused the fraū-
ches and if a man hath a fayre to holde ỹ
fryday, & he that holdeth on the monday
the fraūches is forfayt, and he shal make
fyne for the myser.

A writ de Idemptitate nominis.

A writte de Idemptitate nominis is suche.

Rex Thes et baconibus suis, salutē cum A. per sum nostrā distringatur in com ỹ. adsol uēdum di marcā ad opus nostrū: per q̄ bre in Canc. nostra per ipsum A. inpetratū. vt dic. Et idē A. nullū bre in Canc. nostra pro fine nobis ỹ prestand̄ impetrauit: sed ỹ idēptitate cuius-daz hominis idē nomē et cognomen portātis eodē com existent̄ per ministros eusdē vic. ad eandem pecuniam nobis prestandā distringa tur: vt asserit vobis mandamus q̄ fiet super diligent̄ inquisic. si inveneris ita esse tunc ministros predictos ad distringendū predictū ỹ. occasione predicta de cetero faciendum dissisti fac. Et distr̄, si & ea occasione feceritis sine di latione deliberari fac. ꝛc. Teste. ꝛc.

This writ lyeth in cas where any writ of Det, Trespas, Couenant accōpt, or any such lyke is sued a-gaīst a mā, & another mā (ỹ hath ỹ same name as he hath against whom the writ is brought) be takē for him, then he that is so taken shal haue this writ, by vertu wherof the shyryffe shal make enquere a fore Justices assigned in the same coūtie yf he that is so takē or distreyned be gil-tye or not, & yf he be not gilty, he shal go quit, And yf he be gylty, as the writ sup-

poseth

poseth, he shal answere the partye þ sued the first writ, & in the same maner maye this writ be sent to the Justices of þ common banke, or to the tresourer & barons of þ Eschequer & to eschetours: bt supra

A writte de Rectosur disclayme is such.

¶ A writ de Recto sur disclaym.

REX vic̃ salutẽ. pone ad petitionẽ petẽtis coram Justic̃ nr̃is apud westm̃ loquelã, que est in com̃ tuo, per breue nostrũ inter A & B. de auerius ipsius A. captis, et iniuste detentis vt dic̃. Et sum̃. &c. p̃dictũ B. q̃ tunc sit ibi, p̃fato A. ad respondendũ et seruic̃ sibi debit̃ facere Et habeas. &c. teste. &c. Cũ ista clausula, quia talis distr̃ in feodo suo p̃o cons. et seruic̃ sibi debiter. &c.

THys writ lieth where the lorde in the kynges courte. s. in the comon place auowe vpõ his tenaunt, and the tenaunt disclayme to holde of hym, vpõ this disclaymour the lorde shal haue this writ, & if the lord may auer & proue that the lande is holden of him he shal recouer the land for euer, but where the tenaunt disclayme in court baron, or in the countye, the Lorde shalbe amerced, & shal not haue this writ, for that, that the disclaymour is not of record, and al this proueth the statute of Westm. 2. Capi. 2. Which beginneth. Quia domini feodorum. &c. And the Proces in this writ is Somons, graunde Cape, and petit Cape

Proces,

Addis

Addicion

☞ Note ye: in what writz diſclaymour lyeth: in a per que ſeruic. ꝑ tenaunt ſhal not diſclayme, for the demaundant may not recouer ꝑ lãde if it be founde agaynſt the tenaunt: for that, that he demãdeth nothyng but attornement. p.lii. C.iii.

¶ In a Ceſſauit the tenant ſhal not diſclayme, but he ſhall ſaye that he holdethe not of hym.

☞ Note ye that in auowry the huſbãd and the wyfe may not diſclayme, & for ꝑ the wyues lande ſhalbe loſt. p.x. C.iii

☞ Note ye: that he in the reuerſion and the tenaunt for terme of yeres maye diſclayme agaynſt a bayle. w.xii. C.iiii

☞ Note ye that the tenaunt in fee ſymple may not diſclayme agaynſt the tenãt for yeres of the ſeignory. w.ix. C.iii.

☞ Here beginneth the Judiciall writtes that are grounded vpon recouereres in the layde writtes.

A writ of Scire facias.

A writ de Scire facias ſuch.

REX vic. ſalutẽ Cũ p. R. in curia. &c. tali die et anno recogñ ſe debeꝛ A. B. C li. quas ei red diſſe debuit in feſto Martini tunc ꝓxi. ſequeñ et idẽ p. R. ꝑdcãs. C. li. eidẽ A. nondum reddidit put ex graui querela ipſius A. accepimus. Et q; volumus ea in dcã cuſ noſtra recte acta ſunt debit execucõi demãdari tibi ꝓcipimus q; p ꝛbos. &c. ſcire fac. ꝓdict p. R. q; ſit coꝛã, &c. tali die. &c. oſtenſum ſi q; p ſe habeat

beat vt dic̄ sciat dre predict C.li. de terris et cat̄ suis in balliua tua fieri p̄dicto A. reddi nō debeat si sibi viderit expedire. Et hēas ibi nomina corū p quos ei scire feciſti. & hoc bre T.

THis writte is Judicial, and lieth where a man hath recouered det or damages by iugement in the kynges court, & goeth out of the recorde after the yere and day of the fyrſt iudgement thā for that, that it may be ſuppoſed that he hath made releaſe or other acquitance of that, that he hath recouered, he ſhall haue this writ, by which writ the partye ſhalbe warned that he be afore ỹ Juſtyces at a certayne day to ſchew why execution of the iudgemēt ſhal not be made & if he come not at the day, or yf he come and can nothyng ſay, but that execution ſhalbe made accordyng as he hath recouered, then he that recouered ſhal haue a writ of Fieri fac̄ to the Shiriffe that he make execution of the iudgement to the pleyntyfe, & that is by the ſtat of Weſtm̄ 2. Cap. 45. whiche begineth Quia de his que recordata. &c. And that wyll that no proces nor deloy be in the ſayd writ, & of that, ỹ is founde inrolled afore the Juſtices of the comō bank as of fynes leuyed contractes, obligations, & recogniſaunces that are recouered afore them, & enrolled in the kynges court, the partye ỹ

is

is greued nede not sue a writ at the com mon lawe, but he may go to the recorde and yf the recognisaunce be within the yere & a day, then he shal haue a writ of Execution to execute the same recognysance that was made afore the Justices of record, and yf the yere & the day passe after the cognisaunce made, then he shal haue a Scire fac̃ to the shyrike ꝑ he cause the partye come at a certayne daye, as it appereth by the sayd statute.

¶ Addicion.

☞ Note ye, ꝑ in these cases a man shal haue a Scire fac̃ win the yere. If a mã recouer det against a womã that is vnmaryed, and within the yete she take a husbande, in this cas he that recouered shal not haue a Fieri fac̃ for he may not sue execution of the goodes of the husbande, but he shal haue a Scire facias. W:xxxviii, E.iii.

¶ If a mã of religion recouer damages & dyeth within the yere, his successour shal haue a Scire fac̃ & not a Fieri facias thoughe that it be within the yere: W.xxiiii. E.iii.

☜ Note that it was sayd ꝑ a man shal not haue other execution of rent seruyce recouered, but to distreyne ꝗre A. Scire fac̃ brought against. ii. of damages wher the shyrike retourned, that the one was warned, & that the other hath nothyng, & the pleyntyfe prayed execution at his peryl R.E.iii. ꝑ.i, ꝑ.v.

peryl, & it was layd þ in so much, that the on was not warned he may not haue exec akore þ pces determined against þ other

☞ A wryt of Fieri facias.

A wrytte of Fierifacias is such=

REX vic, salutē, precipi tibi: q de ēris et cat B, in ballius tua fieri fec, C, li, et habeas co rā Justic, nostris apud westm̄, tali die ad red dendū A quas ei in curia nostra corā Justic, nostris p consideř eiusdē curie nostre ad iudi cat fuerūt pro dāpnis suis, que habuit occasi one: q p̄dictus B, cum iniuste impeduit prese tare idoneā personā ad ecclesiā de R, prout per quandam inquisicionē qui p te nup fecim conuictus fuerit, Teste .&c.

THis wryte is Judicial and lyethe where a man hath recouered det or damages in the kynges court then he þ hath recouered shal haue this wryte to the shyryffe cōmaundyng hym that he leuy the det or the damages of the goods of hym agaynst whō þ recouere was had and lyeth al tymes within the yere and the day, & is giuen by þ statř of Westm. 2. Cap. 18. which beginneth: Cum debitū.

☞ Addition.

v. vi. E. iiii. CIf a fieri fac to leuy. xx. li. be directed to þ shyryffe, & he returne qō fieř feci, x. l quas habeo diē, &c, at which day he hathe not the money and a new shyryffe is cho sen, in this case he þ recouered shall haue a Scire fac. agaynst the ancient shyryffe to shew why he shal not haue execution of the. xx. li. and if he cā hi selfe discharge

then

than he that recouered shall haue execution agaynst the olde shyryf by Fieri fac or Elegit.

¶ If a man sue execution vpon a statute marchant, and the landes of the recognisour are extended & put in execution, and the landes are extended to hye, the recognysee may pray that the landes be deliuered to extendours, and he shal haue execucyon agaynst them by the statute of Artõ Burnel: by a Fieri facias. T.H.E.iii,

☞ If a mã hath iudgement in Detinue execucyon shalbe awarded by dystres agaynst the defendant, and a Fieri facias of the dammages. W.M.R.ii,

☞ A wryt of Elegit.

A wrytte of Elegit is such.

REx vic. salutem. Cum A. qui fuit vxor B. in curia nostra coram Justic. nostris apud W. per considerationem ciusdē curie recuperasset versus C. de B. xl. li. quas idem C. in eadē curia nostra tali die et An. &c. cognē se debere pfato A. vñ ei reddidisse debuit. x. li. ad festū tale. &c. et. x. li, ad festū tali. &c. tunc prox. seq. et illas ei nondū solut vt dicit. Et postea eadē A. venē in curia nra, et elegit sibi liberari oia bona & cat predict C, pter boues et affras de caruca sua. et sil'r medietatem terrarum suarum tenementorum suorum per rationabile pcium et extent tenendō vt liberum tenē suū iuxta formam sta. nostri de quis quousq; pdicas x. li. inde leuauerit: et ideo tibi pcipim' quod oia bona et cat pci C. pret boues et affras de caruca sua & sil'r meditatē terre & tenē suorum in ball' tua eidem A. sine dilatione deliberare

fac. p rōnabile pcū et extēt tenens vt liberū
teñ: sibi t assignē suis in foūn pdcā quou ꝑ. rr
li de pcis. rl li ide leuauer: t qualit hoc pcep
tū nr̄ū fuer execuū scire facias iustic. nr̄is a-
pud w.m oct. ꝛc Et habeas ibi. ꝛc. Teste. ꝛc.

THys wryt lyeth wher a man hath recouered det or damages in ỹ kings court, & the cõme of the det or damages may not be leuyed of ỹ goodes & catalles of him agaynst whō the det or damages were recouered, thā he ỹ hathe recouered shal haue this wryt dyrecte to the shyryf cõmaūding him that he make delyuere of the halfe of all the landes or tenementes, & al the goodes except oxen and beastes of his plough. And note that the halfe of the sayd lande shalbe resonably extended, and he shal holde the sayde lande, and these other goodes vnto the sayd cõme be leuyed of the sayd yssues & profytes of the lande and gooddes of the dettour, & thys wryt is retournable.

Addicion.

h.rr.E.iii. T.xx.E. iii. ☞ Note ye: that an Abbot recouered damages, & prayed Elegit & it was graūted.

¶ Annuitie was recouered, & the pleyntyfe sued ỹ Fieri fac, & the shirife retourned that he hathe nothynge, & the pleyntyfe prayed Elegit & hys prayer was denyed: for that, ỹ he hath chosē Fieri fac,

p.ii. E.iii. ¶ And note ye: ỹt a man wout ple knowledge in court him to be holden in det to

paye

pay at a certeyne day, the conisc shal not haue this Elegit, for that, that the cognisour was not brought into the court by proces of the lawe, that is to say by writ of Det, & so ỹ statute of Westm. 2. Ca. 18 is to be vnderstand.

☞ A writ of Habere fac seisinam.

A writte of habere fac seisinam is such.

REx vic. salutē. Scias q cū A. in cur nra coram Justic. &c. petierit versus N. vnū messu. cū ptiñ in p postea veñ in eadē cur nra et vocauit ad warr R. q̄ quidē R. p̄dict mesuagiū cū ptiñ in cur nra. &c. p defaltā amisit scōm q cōsiderat fuit in eadē cur nra, q p̄dict⁹ A recuperat fuit et inde seisinā versus p̄dictū N. et predict N. habere de terr p̄dicti R. ad valenc. ten &c Et ideo tibi p̄cipim⁹ q eidem A. sine dilac. plenā seisinā hēre fac. Et p̄dict⁹ N de terr predict R. ad valenc. eorūdē ten. cū ptin. i loco cō petēti hēre et assignar seisinā fac Teste,

THys writ is Judicial and a writ of execution, & lyeth where landes or tenementes are recouered in the kyngs court, he that hath recouered shall haue this writ cōmaundyng hym to delyuer seyson, the writ is not retournable

☞ A writ of Capias ad satisfac.

A writ of Capias ad satisfac. is such,

REx vic. salutē. pr tibi, q non omittas propt aliquā libertē &c. quin capias A. si inuētus fuerit in baliua tua et eū saluo. &c Ita q habeas corpus eius coram Justic. &c tali die ad satisfaciendū B tam de. xl. s quos B in curia nostra recuperauit vers eum q̄ de vi s. que et adiudicat fuer p dampnis suis, que sustinuit occasione detentionis debiti p̄dicti. Et habeas ibi hoc breue. Teste. &c.

Natura breuium.

THys wryt lyeth wher a man recouereth det or damages in the kynges court, and he agaynſt whō the det is recouered hath no landes nor tenemētes nor ſufficient goodes wherof the det may be leuyed, thā he that recouered ſhal haue this wrīt to the ſoreſt cōmaūdyng hym that he take the bodye of hym agaynſt whom the det is recouered, & be ſhalbe put in priſon vnto ſatisfaccion be made to hym that recouered. And note, þ theſe .iiii. wrīts next afore, are wrītes of execucion.

☞ A wryt of Capias vtlagatum.

A wryt of Capias vtlegatum is ſuch,

REX vic. ſalutē. pr̄ tibi q̄ non omittas ꝓpter aliquā libertatē in ball' tua q̄n capias R. vt lagatū in com̄ S. tali die & anno ad ſect̄ B. de placito t̄ſpaſſ̄ prout. ꝛc. ſi inuentus fuerit et ſalno. ꝛc. Jtā q̄ hēas corpus eius. ꝛc. tali die inde factur̄ et recepturū q̄ curia noſtra conſideraūit in hac parte. ꝛc.

☞ A wryt of Capias vtlagat̄ inquiras de bonis et cat̄.

A wryt of Capias vtlegatum inquiras de bonis & cat̄ is ſuch.

REX vic. ſalutē. precipi tibi q̄ nō. ꝛc. quin per ſacrament̄ proborum et legal' hoīm in eodem com̄ tuo, diligent̄ inq̄ras, que bona & cat̄, terre, et ten̄ A. de B. habuit in ballius tua die et anno. ꝛc. vel vnq̄ poſtea: quo die idem A. vt lagat̄ fuit ad ſect̄ R. E. pro compoto ſuo idē R D, redō tempore quo fuit receptor denariorū ipſius R, prout vic, noſt Eboracen̄ Juſtic, nr̄is apud weſtm̄ in octauis ſcte Trinitatis tunc pror, ſeq̄ mandō et illa per eorum ſacram̄ ert̄ di & appreciari fac. iuxta verum valorē corū dē

Et ea

Et ea que p inquiſ illã inuẽtis, in manũ noſtrã capias et ſaluo cuſtodire fac. et extent, et appciatone illã, quam inde feceris, ſcire fac. Juſtic, nris apud weſtm tali die, diſtinct et aperte ſub ſigillo tuo, et ſigill eorũ p quor ſacram extent t appciationem illam feceris, ac p eor p idem A, vtlagat liceat, et diſcurrit in balliua tua in noſtri et corone noſtre ptudiciũ vt accipimus p ꝓdictum A, vbicunq in balliua tua tam infra libertates p extra inuenire contigerit capias, et eum ſaluo cuſtodire facis: ita p eum habeas coram Juſtic, noſtris apud W, ad ꝓfat terminũ ad faciend t recipiend: p curia noſtra de eo conſ in hac parte: et habeas ibi hoc breue, Teſte, tc,

THys wryt lyeth wher a man hath ſued a writ of Exigẽt, & he agaynſt whom the exigent is awarded cõmeth not at the day of the exigent retourned, than the pleyntyfe ſhal haue the ſaid wryt directed to ꝯ ſhyryfe (of the coũtye where the exigent was awarded) to take the bodye of hym that is outlawed. And ſome ſay that a man may haue as many wryts as he wyll, for that, that it is for the kynges aduauntage.

☞A wryt of quid Juris clamat.

A wryt of quõ iuris clamat is ſuch

REX vic, ſalutẽ, ꝓiec, tibi p diſtringas A, per omnia terra et cat tc, Et quod de exit, tc, Et p habeas corp eius coram Juſtic, noſtris apud weſtm tali die, tc, ad cognoſcend p Juris clamat in vno mes cum pertñ in B. p J, de T, in curia noſtra conceſſit R, p finẽ inter eos fact et ad audiend. tc, Teſte,

THis writ lyeth where I graunt ꝑ reuercion of my tenant for terme of lyfe by fyne leuyed in ꝑ kynges courte, & the tenaunt wyl not attorne, he to whō the reuercīō is graunted shall haue this writ to charge hi to attourne And note yt the tenant for terme of lyfe clayme fee simple in the tenementes, & it is founde that he hath no fee simple, he shal recouer seyson of ꝑ land. T. 10. E. 3. And he that hath fee tayle shall attourne aswel as he ꝑ hath but freholde ꝑ Wettingham, but I suppose the lawe be contrary. And the Proces is, Somons, and dystres infinite.

ꝑoces.

Addicion.

T.xlv.E.iii. ¶ Note ye yt land be lessed for terme of lyfe, and the lessour graunt that the lesse shal not be troubled, for wast, & after the reuercion is graunted to a man and hys wyfe by fyne, who bringeth a Quid iuris clamat, in this case yt ꝑ lesse say that he is redy to retourne sauynge to hym ꝑ hauntage of the dede, it is conuenient ꝑ the husband and the wyfe knowlege the dede, otherwyse the lesse shal not be compelled to attourne.

ꝑ xliii.E.iii ¶ In a Quid iuris clamat brought by an infāt, & such mater as afore is pleded the infant may not knowledge the dede.

In

¶ In quid iuris clamat ꝑ tenaunt sued that the cognisour helde the same land of the kynge in chyefe and demaunde iudgement without shewynge the kynges lycence, and then the demaundant shewed the kynges lycence or otherwyse the tenaunce shuld be charged with a fyne for that alienacion. & thē the tenant attorned ¶ If the kynge graunt to me the seruice of his tenant I may auowe without attournement, for I may not haue a ꝑ que seruic, nor quid iuris clamm by shardun. p.xlv, E.iij. w.xxi. E.iij

☞ A wryt of Per que seruic.

Rex vic. salutē ꝓiec tibi q̄ dilc A. p oēs terras. tc Et q̄ de exitis tc q̄ habeas tc tali die ad cognoscend̄ p que seruic tenet vnum mess cum pertinēcijs in B. q̄d I de T in curi a nostra cōcessit R per finem inter eos fact: Et ad audiendum tc. a wryt of per que seruicials such

THys wryt lyeth where I grant ꝑ seruices of my tenant for terme of lyfe, tenant in taile, tenaunt in fee symple to a straunger, by fyne leuyed in the kynges court. this tenaunt wyll not attourne to the same graunt, thē ꝑ grāt shal haue this wryt agaynst the tenaunt and compel him to attourne. And the Proces is, Somons and distres vnto the partye come. proces.

☞ Addicion.

¶ Note ye:yf the tenaunt holde of two in comon, yf the one graunt the seruyces by w.ix. E.iij

by fyne the tenant shal not attourne.

¶ The seruyces of a tenant was graun-
Y.B. E,iii, ted to ꝑ husbande, & the wyfe and to the
heyres of the husbande, & they brought a
Per que seruicia the tenant laide that he
hath acquytal of ꝑ cognisour, & sayynge
to hym hys acquital he is redy to attour
ne, & the husband knowledged the acqui-
tal hym and his heyres, & so note ye, that
the heyre of ꝑ husbãde ought acquyt the
tenaunt after ꝑ death of ꝑ husbãd in the
lyfe of ꝑ wyfe, for ꝑ wyfe may not bynde
her to the acquital duryng the maryage.

¶ A wryt of Quem reddit reddit.

A wryt of Quem reddit reddit is such,

Rex vic, salutẽ, prec, tibi q distr̃ B, ꝓ omnes
tras, ꝛc, Et q de exit, ꝛc, Et habeas corp⁹
eius ꝛc. tali die. ꝛc, ad cognoscend quã red-
dit reddit exeunt de vno mes cũ ptiñ in N, q
J, de F, in curia nostra, ꝛc, cõcessit R, S, ꝓ fi-
nem inde inter eos factam, et ad audiendum,
ꝛc, Et habeas, ꝛc, Teste, ꝛc,

This wryt lieth wher a man graũ-
teth to another by fyne leuyed in ꝑ
kyngs court a rent Secke, or a rẽt
Charge going out of another mans lãde
and the tenaunt of the lande wyl not at-
tourne to the graũt, thã the graunt shal
haue this wryt againſt the tenaũt of the
lãd to cause him attourne. And the Pro-
ces is as in ꝑ wryt next afore. And note
ye: that these. iii. wryttes are Judicial, &
lyeth of fyne leuyed in the kinges court.

Addicion

¶ Addicion.

¶ In a Quē reddit̄ reddit the defēdāt demaunded he aryuge of the deade of the graunt & the pleyntyfe shewed the fyne fur contanee de bzoit, & he was awarded to shew also ꝓ dede for he ought to shew tytle in this wzyt howe the rent did begynne. p.xxx. v.vi

☞ And note ye that in these. iii. wzites next afozesaid is no plee to saye that they were not tenauntes the daye of the wzit purchased, but ought aunswere yf they were tenaunt the day of the note leuyed for these wzittes ought to be bzought agaynst him that was tenaunte the daye of the fyne leuyed. p.viii. v,vi

☞ A wzyt of Venire facās.

REX vic. salutē. prec. tibi q venirè fac coram .iustic. nr̄is. &c. tali die. xii. tā milites q alios liberos et legales hoies de vis̄n de N. quoz̄ quilibet hēat xl.s. terre et ten̄t vel redditū p annū ad min⁹ p quos rei veritas melius scire poterit et d̄ nec A. nec B aliqua assirmitat attingunt ad recogn̄ ruper sacram̄ suū: si W. cōsanguineus p̄dict A. cuius heres ip̄e et fuit sit in manerio de R. cū pertin̄ in dominico suo de feodo die quo obiit. Et q idē A. in cur̄ nr̄a. &c. coz̄ā. &c. clamat vt ius suum versus eum sicut idē A. dic. vel non sicut p̄dictus B. dic. Quia tā p̄dict B. q̄ p̄dict A. inter quos inde contentio est posuer̄ se in iuratā illā. Et habeas ibi nomina iurat et hoc b̄re. Teste. &c. A wrytte of Venire fac is suche.

☞ This wzyt is Judicial & goeth out of the recozde, and lyeth where two parties

tyes pleadeth and cometh to issue. s. vpõ the sayinge of the countre, than the ptye pleyntife or the defendant shal haue this writ directed to the shyrife that he cause to come. xii. lawfull men of the same coũtre to say the trouth vpon the sayde yssue taken. And the enquest come not at ỹ dai of this writ retourned: than shall go an Habeas corpora. & after a dystres vnto they come, & when they come at ỹ day and the defendant challenge many of the because ỹ they are not sufficient to passe vpon the sayd yssue, than ỹ pleyntife shal haue a writ that is called Octo tales, or Decem tales or as many as is nedefull.

¶ Addition.

fr. E. iii ☞ Note ye. ỹ in these cases folowynge the enquest shalbe taken by defaut. In a nowre for rent seruice the pleyntyfe pleded out of his fee. &c. And vpon that they were at yssue, & after the auowant made defauct, & the enquest was taken by hys defaut: for that, that it was ỹ second day after the enquest joyned, but yf it were ỹ fyrst day, thã he shalbe destreined to here the Jure.

☞ Note ye, that these cases folowynge the Jure shalbe taken by defaute.

vii. E. iii, ☜ In a writ of Annuite the defendant sayd that at the day of the making of the dede he was within age and vpon ỹ they were

were at yſſue, & at the day of thenqueſt, ỳ defendant made defaute, and the enqueſt taken by bys defaut.

☞ Note ye: ỳ in theſe caſes folowynge though that the defendant make defaute after thenqueſt ioyned, yet it ſhal not be taken by defaut, but a dyſtres ſhall go to here the Jure. v. xviii E. iii

¶ In a waſte the defẽdant pleadeth to ỳ enqueſt, at which day the defendant maketh defaut, a dyſtres ſhalbe awarded to here the Jure. An. xii. E. iii. Li. aſſ.

☞ Note ye: by what challenge ỳ array ſhalbe quaſhed, and by what not.

¶ An aſſiſe the ray ſhalbe challenged: for that: that the pleintyf was nere to ỳ biſſhop of D, & he that arrayed the panel is tenaunt to the byſhop, & by the byſhops counſel ỳ ray was made, & this was holden to be no challenge: for that, that the byſhop was not party to the plee, except that he had ſayde that they were procured to ſay otherwyſe than trouth.

¶ The ray was quaſhed in aſſyſe: for ỳ that it was made by ỳ baylyfe that hath maried the coſyne of the pleyntyfe, and ỳ they haue yſſue. Anno. xxix. M. xxxi. Libr. aſſ.

¶ In aſſyſe ỳ ray was quaſhed: for ỳ, ỳ ỳ ſhirif hath baptized the ſõne & heyre of the pleintif & ỳ was cõfeſſed by ỳ ſhiryf. P. iiii. E, iiii.

☞ It is a good challẽge to ỳ ray to ſay that

that the shyrysse is colyn to the wyfe of the pleyntyfe.

An, xxvi. ¶ In assyse the ray shal not be quasshed
E, iii, Li ass for that, that the shyrysse hath maryed ꝑ
sister of the pleintyfe (except he say) and
so the ray made in a fauourable maner.

☞ Note the causes of challenge
for consanguinite.

W. viii. y. vi ¶ A Jurour was challenged: for that, ꝑ
he was colyn to the wife of the defēdant
wherfore he was drawen of the panell.

T, xxviii, ¶ If an abbot bryng an action, it is a
y, vi, good challenge to say that the Jurour is
vncle or brother to a mōk of ꝑ same place

☜ Note the causes of challenge
for affinite.

ꝑ, xix, y, vi ☞ A Jurour was challenged for that,
that he hath baptized the sonne of the
pleyntyfe and that was holden a prīci-
pal challenge.

W. iii. y. iiii. ☞ A Jurrour was challenged for that
that the son of the Jurour hath maryed
the doughter of the pleyntyfe, and that
is no prīncipal challenge, except it be be-
twyxt the partes selues, that the Jurour
maried the. &c. wherefore these triour en
quered of the fauour.

☞ In attaynt one of the. xviiii. was
challenged: for that that he hath maryed
the syster of one of the petit Jurroures
wyues, and it was not allowed.

Note

☞ Note the causes of challenge for insufficience.

☞ In a Replevin the defendant challenged a Jurour: for that, that he was not sufficient of the frehold. s. to say ꝑ value of. xl. s. And by the opinion of the court that was a good challenge: for that, that the auowre was for seruices, but yf the auowre had ben made for damage feasant otherwyse had ben. T. iii. H. vii

☞ In det of. xx. li. & damages to. x. li. a Jurour was chalenged: for that, that he may not dispend. xl. s. and for that cause he may trete by the statute. T. iii. E. iiii.

☞ Note the causes of the challenge for the hundred.

☞ If a Jurour be challenged for that, that he hath nothyng within the hundred by the pleyntyfe and also by the defendant, he shalbe drawen out. xx. xii. E. iiii

¶ If a Jurour be challedged: for that, ꝑ he hath nothyng within the hundred, ꝑ tryours shal not squere if he be dwellig within ꝑ hundred, yf he haue any thyng within the hundred, and not of the value An. xix. E. ii

¶ In a writ of annuite agaynst a parson of a church by prescription & alleged person in the same cõtie where ꝑ church is in another hundred, the thyrde Jurour was challeged: for that, that he hath no thynge within the hundred where the T. xi. R. ii.

churche

in ꝑ hūdzeth oz ꝑ other he ſhalbe ſwozne

Y.xxii.Y.vi ¶ Note ye yf one be ſwozne ꝑ hath ſuf-
fycient in the hundzed & after he tel that
and after he is challenged foz inſufficiēce
within the hūdzed this challenge is not
alowable: foz that: that when he was ad
mitte & ſwozne at one tyme it ſhalbe en-
tended ꝑ he hath knowledge of ꝑ matter
nowe, and his knowledge by hys alye-
nacion may not be deueſted out of his per
ſon.

T,vii,Y,iiii
W,xix,Y,vi ¶ And note ye: that after that four are
ſwozne of the hundzed, a man ſhal haue
no challenge to ſay that he hath nothing
within the hundzed.

W,xii,E.iii. ☞ A note ye: that after that a mā hath
challenge the ray & that founde agaynſt
him he may challenge the polles.

P,vii,E,iii ☞ Note ye: that when the Jurours are
ſwozne, ꝑ ꝑties ꝓay that they may haue
kepers that was denyed ſettyng ꝑ court
but after they ſhal haue.

T.vii,Y,iii ☙ In attaynt after that four of the hū
dzeth were ſwozne another was chalen-
ged foz the hūdzed, & not allowed, yet it
was alledged that in the petit Jure that
fyrſt paſſed, ought to be. iiii. of ꝑ hūdzeth
at the leaſt, & by the ſame reaſō. 8, ought
to be of ꝑ hundzed where. 24. are ſwozne
yf he that challenged the ray wyll chal-
lege the polles he ſhal ſhewe cauſe of his
challenge

challenge euery tyme certayne afore that the clerke perule the panel.

¶ A Iurour was challeged for fauour & he was found by tryours that he was in different, & afore that he was swore he was challenged: for that, that he hath no thyng wtin the hundred, & not alowed.

☞ A wryt of Nisi prius,

REX vic. salutē prec. tibi q̄ venire fac. apud westm̄ tali die vel coram Justic nr̄is adp̄mas assias in com̄ tuo capiend assign q̄ formā statuti iude prius. Nisi die lune. tc apud B prius venii rrilii tā mli .tc q̄ tc. vt in priori. tc. equi nec A. nec B. tc=ad recognn tc Si predic. tus B. tali die et anno r̄i et armis sez glad. tc. bona et cat̄ sua iiii. saccas lane ad valenc xx marc apud h̄ in com̄ tuo cepit et abduxit vt dic. quia tam tc et habeas tc.

A wrytte of Nisi prius is such.

THis wryt is Judicyal and lyeth in case when thynquest is panell & retourned afore the Justices of ꝑ banke, thā the one partie, or ꝑ other may haue this wryt for easement of the countre directed to the shyrysse, cōmaundyng him that he cause the men that are impanelled to come afore the Justices in the same countie, & there to be determined afore them selfe, yf the mater be not so difficult that it may not be tryed afore thē for then it shalbe sende into the bank as afore. And note ye: by ꝑ statut of E. the. 3 An. 14. Cap. 15. that this wryt shalbe grāted aswel at the suyt of the tenant, as at the

the suyt of the demaundant in a writ of Trespas yf the damages passe .xl.s. And note ye: that the Justices of the comon banke hath power to enquere by the Nisi prius of plees moued in the kynges court. And yf the Justices of the comon banke maye not come, then in the same maner haue the Justices of the kynges benche power to take the Nysi prius of plees moued in the comon banke.

¶ Addicion.

y.xix.y.vi, ☞ In Detynue the pleyntyfe and the garnysshe were at yssue, and the pleintyfe prayed a Nysi prius and had, and the garnysshe hadde other with a prouyso.

y.xv. E.iii T,xxi.E,iii, ☞ Note where a man is in execution vpon a statut marchaunt and sueth Audita querela, and are at issue, a Nisi prius shal not be graunted: for that, that the pleyntyfe maye not be delyuered out of prysson.

y.xxv.E iii, ¶ In all cases where the kynge is partye the Nisi prius shal not be graunted.

¶ A writ of Quale ius.

A writte de Quale ius is such.

Rex vic. salutē. Scias q abbas de N. in cur nostra recuperauit ssiam suam versus B. de vno messuagio cum pertinenciis in C. vt ius ecclesie sive sancte Marie de N. per defalt ipsius B. breue nostrum quare Cessauit. Et q: dubitat defraude inter eos prelocuta contra statutum nostrum in quo cōtinetur de terris seu t ad manum mortuam deuen quoquo modo,

tibi

tibi pꝓ ꝙ venire facias coꝝ nobis tali die. ꝛc. ꝓi. ꝛc. de visu pquoꝝ dubet. ꝛc per quos, ꝛc ꝛc. Et q̃ nec. ꝛc ad recogn. sup sacrament suũ quale ius idẽ abbas habet in predicto mes. et qs predecessoꝝ suorum fuit inde sesitus de dominico seruic de predicto mes erunt vt de iure ecclesie sue predicte, et quantũ p̃dictum mes valet ꝑ annũ secũdũ verũ valorẽ eiusdẽ. Et interi mes illud in manũ nostrã capias Ita ꝙ neuter eorum ad illud manum apponãt donec alius a nobis inde habueris perceptum Et ꝙ de exit eiusdẽ mes ad sacrum nostrum respondeas Et scire fac. capli domino feodi illinc mediat ꝛ immediat ꝙ tunc sit ibi auditura Jurat illam si voluerit. Et habeas ibi nomina eorum. ꝛc. Teste ꝛc.

THis writ is Judicial & lieth in cas where an abbot or pꝛior or anye other mã of religiõ brynget a Plee ꝙ rendꝫ of lãd & the tenãt maketh defaute after defaut wherby the lãd is to be lost then ꝓ same Abbot or pꝛior that hath recouered shal not haue execution of ꝓ said lande recouered, afore ꝓ he sue this wꝛyt for the kynge to the Escheatour of ꝓ same countye to enquere what right he ꝓ hath recouered hath, & yf he hath right by his wꝛyt. then the iudgement shalbe gyuen for him, & shal haue execution of the lãd recouered. And if it be found that he hath no ryght by his wꝛyt, but that the lãds were lost by collucion betwixt him & the tenant, then it shalbe ordered as is gyuẽ

by the statute of West.2.Cap.32. whych begynneth.Cum viri religiosi,&c. that ꝑ next lorde shal haue the land as hys Eschepte.yf he demaunde it within the yere after the inquisicion taken. And yf he demaunde it nat wythin the yere, than the next lorde after hym shal haue the sayde lande,yf he demaund it wythin the halfe yere. And yf no lorde demaund ꝛ claim as afore is sayde, then the kynge that is chyefe lorde aboue al other shal haue the sayd land so recouered.

Addicion.

¶In a Quare impedit brought by one R. agaynst an Abbot,& they were at issu and nowe the enquest come and R. was nonsuyt,and the court awarded a wryt to the byshop for the abbot wythout inquere of the collusion. T.xix.E. iii

☞A wryt de Cape magnum.

A wryt of Cape magnū is such.

REX vic. salutē. Cape in manū nostrā p visum legal' hoim de com tuo vnū mes cū ptin. in N.ꝙ B tenuit.x die Aprilis anno. ꝛc ad quo rūcunq; manus deuenit in pl' tua ꝙ A.que fuit vxor C.in curia nostra corā.ꝛc.clamat in dotem versus predictum B.ꝑ defectu ipsius B. et ideo.ꝛc Et sum ꝛc ꝑdict B. quod sit.ꝛc. tali die respons et ostens quare nō fuit corā.ꝛc.tali die ꝙ ꝑdict B nō habet aliquis terras seu ten.in ball'a tua que capi possūt in manū nr̄az vt testat est in eadem curia quod predictus B tali die et an.ꝛc.tenuit ꝑdictū mes cū pertin. vnde predictum mes capi pot in manu nostrā Et habeas ibi nois eorum ꝑ quorum visū hoc

fece ris

feceris ſuſt. Et hoc breue. Teſte. ꝛc.

THys wryt is iudicial & lyeth wher a man hath brought a Precy redō of a thynge that toucheth plee of land, & the tenaunt make defaut at ỹ day to hym giuen in the wryt originall, then thys wryt ſhal go for the kyng to take ỹ lande into the kynges hande, & if he come not at the day gyuen by the graūd Cape he hath loſt his lād. But note ye: that at the fyrſt day he maye be eſſoyned. And yf at the day of the graunde Cape retourna ble he cometh, he may excuſe his defaut, as to ſay that he was not ſomoned after the law of the lande, & that he is redye to make hys lawe, or to ſay that he was in pryſon, or dyſturbed by water, & in thys two laſt caſes iſſue may be taken vpon a uermēt of the countre, & for that, that in gement & knowlege of the impriſonment or diſtourbance by ỹ water is to be tried by the countre. But the fyrſt caſe ſhalbe tryed as afore is ſayd.

☞ Addicion.

¶ In a Precy redō brought againſt one H. filio M. in latin at the graund Cape ỹ tenaunt ſayd ỹ wher is brought agaynſt H. ſōn of M. our father hath a name Edmonde, iugement of the writ and it was ſayd that the tenaunt hath made defaut in whoſe mouth no plee lyeth afore that

he hath saued his defaut but it was awar ded that vpon a graunde Cape the tenãt shal plede that he is misnamed in abatement of the writ afore the defaut saued & that is for the mischefe of the warrant

☞ A writ of Cape peruum:

A wryte of Cape gruñ is iuche.

REX vic. saluẽ Cape in manũ nostrã vsum meũ. &c. q'R in cur nostra &c. clamat vt ius suũ versus A. p defectu ipsius A. Et sum̃ p. bo nor sum̃ pdcm̃ A. q' sit &c tali die. &c ad audiendum inde iudic Et habeas. &c. Teste. &c.

THis writ lyeth in case where the tenaunt is somoned in ple of land and cometh at the somons & his apparance is of record, & after he maketh defaut at the day that is giuẽ to him thẽ shal go this writ for the kyng. And note ye that a petit Cape lyeth after apparãce and a graunde Cape afore apparance.

¶ Addition.

fviii. h. vi. ¶ Note ye: that in a grande Cape the tenant is somoned to answere to ỳ defaut and ouer to the demaunded. But in a petit Cape the tenant shalbe somoned to answere to the defaut onely, & it is called a petit Cape: for that, that there is lesse in this weyt then in the graunde Cape

T. xxxix. E. iii. ¶ In a Plee qõ redõ brought by a woman at the Petit Cape retourned, the tenant said that after the last continuance the demaundant hath taken a husband.

iudgement

iudgement of the writte, and it was adiudged that, that was no plee afore that he hath saued hys defaut.

☞ In a Formedon the tenaunt appered vpon the petit Cape, & wolde haue pleded that the demaundant hath entred after ỹ last continuaunce without sauing his defaut, but he might not, and after he pleaded a release of al the ryght. W fl. E.iij.

☞ A writ of Cape ad valentiam.

REX vic̃ salutem Cape in manum nostram R visuz legal̃ homin̄ de com̃ tuo de terris A ỹ defectu ipsius A. ad valentiam vnius mes̃ cum ptin̄ in J q̄ E in cuꝰ nostram coīã Justic̃ nr̄is clamat vt ius suum versus R. vnē die R. in eadem curia nostra coram Justic̃ nr̄is vocauit p̄dictum A ad warrantizandum versus eū die captionis scire facias Justic nr̄is apud w̄las tuas sigillatas Et sum̄ ꝛc p̄dictum A q̄ coram ꝛc tali die respons̄ et ostens̄ quare non obseruauit die sibi datū ỹ essonium suū coīã Justic nr̄is tali die Et habeas ibi nomis eorū ỹ quorum visum hoc feceris sum̄. ꝛc. Teste. ꝛc. A writte of Cape ad valentiam is suche.

THys writ lyeth wher J am impleded of certayne landes, & J bouche to warrãt another agaynst whom the somons ad warrantizand̄ hath ben awarded, and the shyryfe hath retourned that he was somoned and cometh not at the day gyuē, thã if the demaundant recouer agaynst me J shal haue this writ agaynst ỹ bouche, & J shal recouer semuch

in value of ꝑ land of ꝑ bouche yf he hath so much, & if ꝑ he hath not so much, thē I shal haue execucion of such lādes & tenementes ꝑ discēdeth to him in fee symple. or yf he purchase aft. I shal haue against him a resomons. And yf he can nothynge say, I shal recouer to ꝑ value. And note ye that this writ lieth afore apparāce. And in the same maner lieth the petit Cape ad valentiam after apparaunce.

☞ A wryt of Sum̄ ad warrantizandū.

A wryt of Sum̄ ad warrantizandū is suche.

Rex vic̄ salut̄ Sum̄ ꝑ bonos sum̄ A q̄ sit. ꝛc tali die ad warr̄ W. vnū mes̄ cū ꝓtiū in Ñ. q̄ B. corā iustic̄ nr̄is apō W. clamat vt ius suum versus eū. Et vnde I de W in eadē curia nostra vocauit ꝑdict̄ A ad warr̄ versus eū. ꝛc. Et habeas idi sum̄ Et hoc breue. Teste ꝛc.

THys wryt lieth wher I bouche to warr̄ another mā then I shal haue this wryt against him to the chirik cōmaūdyng hym ꝑ he somon the bouche to be afore ꝑ Justices at a certayn day at which day yf he come not, thā shal go the graūd cape, & if he cōe, & aft make defaut thē shal go ꝑ petit cape, as is afore saide.

☞ A wryt of Sequatur suo periculo.

A wryt of sequatur sub suo periculo is suche.

Rex vic̄ salut̄ Sum̄ ꝑ bon⁹ sum̄ & q̄ sit corā Justic nr̄is. ꝛc. tali die ad warr̄ A vnū mes̄ cū ꝓtiū in Ñ. q̄ R corā Justic nr̄is apud W. clamat vt ius suū versus eum. ꝛc Teste ꝛc.

THys wryt lyeth where a Somons ad warrantizandū is awarded. And the shyryf retourne that he hath no

thyng wherby he may be somoned, than shal go Sicut alias et plurtes. And yf he come not at the plurtes than shal go this wryt de Sequatur sub suo periculo.

A wryt of Champertia.

A wryt of Champertia is such,

REx vic. salutē. prec. tibi q̄ distr̄ A. p oēs terras. ꝛc. Et q̄ habeas corp⁹ eius cor̄ iustic. ꝛc. ad respond̄ quare cū inter certos articulos quos dñs E. nup̄ rex Anglie ān̄ nostri ad emēdac. status pp̄l'e sui concessit ordinat̄ sit quod nullus minister nr̄ nec aliqs ali⁹ p̄ pte rei que est in pl'ito habendo negotia que sunt in placito sicut assumat̄ manutenēd̄ nec aliquis ius suū sub huius conditione alteri dimittat, ac p̄dictus R. placitum loq̄le que est in cur̄ nr̄a. ꝛc. inter A. et E. vxorem eius petentes et A. et W tenētes de. xx. ac̄ ꝛre cū ptin̄ in S. p pte huius ꝛre habend̄ A. assūpsit manutenēd̄ cōtra formā ordinatiōis predicte vt vlterius facturi et excepturi q̄ cur̄ nra cōsiderauit in hac parte. ORiginale inde est riel. Rex iustic. suis de bā co salutē. Cū int̄ ceteros articlos quos dñs E. quōdā rex Anglie ꝑgenitor nr̄ ad emendū status pp̄l't sui ꝛc. q̄ nullus minister eius nec aliqs p̄ pte rei que sui pl'o habend̄ ꝛc. vt p̄⁹ ac pl'i loquele est cor̄ vobis p bfe nr̄m inter A. petēt et B. tenētē de vno mes cū ptin̄ in N. ꝑpt̄ hui⁹ mes̄ habend̄ iā assūpsit manutenēd̄ contra formā ordinatiōis p̄dicte vt accipimus nos volētes ordinationē illā obseruari vobis mādam⁹ q̄ inspect̄ tenor̄ ordinatiōis p̄dict̄ vlterius in de facere q̄ de iure et scōm formam ordinatiōis p̄dict̄ fuerit faciēd̄. ꝛc. Teste. ꝛc.

THys wryt lyeth where two ptyes are implcading, and the one of the parties, giue to a straunger ꝑ halfe,

or ꝑte of the lande or any other thynge ꝓ is in ple for defendyng hym agaynſt the partye then the partye greued ſhall haue thys writ agaynſt a ſtraunger.

W.viii.E.iii ☞Note ye: that it is no dyuerſyte whether the ꝑtie ſel ꝓ land hangyng the writ & where he giueth the land: for that, ꝓ it is ꝓhibit by ꝓ law. But a mā may make a feoffemēt to hys vſe hāgyng the writ.

T.vi.E.iii. ¶The father & ſonne are, & the father is impleaded, and hangynge the ſuyt he infeoffeth his ſōne, this is no Champertye for by euery lawe it is entended that the ſōne ought aide his father. Loke ꝓ ſtatut De articulis ſuper cartas. cap. 12.

W.xxvi R.ii ☞Note ye: ꝓ it is layd, ꝓ if a mā ſel his lāde to me & after ꝓ land is demaunded agaynſt him by writ, & he hanging ꝓ writ make lynere & leyſon to me of ꝓ ſame lād that is no Champtie for that, that ꝓ bargayne was not made for ſuche cauſe.

W.xlii.E.iii ☞In det it is awarded. &c. ꝓ if I bring a writ of Formedō againſt one R. in the name of one B. yf I recouer w my owne coſtes & thā B. me feoffe ꝓ is chāptie. &c. But yf I refuſe to take the feoffemēt for dobt of champtie, & cōmaunde B. to make a feoffemēt to another that is no champty &c. quere.

FINIS.

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1553

C Cum priuilegio ad imprimendum solum,

1553
68 — printing was brt. into England
85 The manner was thus,

Thomas Bourchier Archbishop of Canterbury sent Wm Turner Mast. of y Rolls & Wm Caxton Merchant to Harlem to learn y Art: They soon prevailing with Scholars, an underworkman to come over, a Prop was wrought at Oxford: & an Edition of Rufinus on y Creed printed in y year 1468 in a broad octavo on paper.
1470 — Caxton carryed it from Oxford to London